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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Wiliam Selany Menjibar-Gabarrete)

Petitioner,)

v.)

Jeremy CASEY, in his official capacity)
as Warden of Imperial Regional Detention Facility;)
Gregory J. ARCHAMBEAULT, in his official)
capacity as San Diego Field Office Director, ICE)
Enforcement Removal Operations; Todd LYONS,)
in his official capacity as Acting Director of ICE; and)
Markwayne MULLIN, in his official capacity as)
Secretary of Homeland Security, Todd BLANCHE,)
Acting U.S. Attorney General; IMMIGRATION)
AND CUSTOMS ENFORCEMENT;)
DEPARTMENT OF HOMELAND SECURITY,)

Respondents.)

'26CV3630 JO DDL

PETITION FOR WRIT
OF HABEAS CORPUS



I. INTRODUCTION

1. Petitioner Wiliam S. Menjivar Gabarrete ("Petitioner") is a 31-year-old Honduran national who last entered the United States on or about June 2019. Since that time Petitioner has lived in the U.S., has been gainfully employed, filed his taxes, and contributed to the community.
2. The Petitioner entered the United States without inspection.
3. Petitioner is currently pending removal proceedings and detained at Imperial Regional Detention Facility since approximately May 13, 2026.

II. VENUE AND JURISDICTION

4. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (Suspension Clause), as Petitioner is presently in custody under the authority of the United States and challenging his detention as in violation of the Constitution, laws, or treaties of the United States.
 5. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. See *Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).
 6. Venue is proper because Petitioner is detained in the Imperial Regional Detention Facility, within the San Diego Division, and Respondent Casey is his immediate custodian. See 28 U.S.C. §§ 2241(d), 1391(e).
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III. PARTIES

7. Petitioner, a 31-year-old Honduran national who resides in Southern California. He is currently detained by Respondents at the Imperial Detention Facility in Imperial, CA, pending removal proceedings initiated
8. Respondent Jeremy Casey is the Warden of Imperial Regional Detention Facility. Respondent Casey is responsible for the operation of the Detention Center where Petitioner is detained. As such, Respondent Casey has immediate physical custody of the Petitioner. He is being sued in his official capacity.
9. Respondent Gregory J. Archambeault is the San Diego Field Office Director

(“FOD”) for ICE Enforcement and Removal Operations. Respondent Archambeault is responsible for the oversight of ICE operations at the Imperial Regional Detention Facility. Respondent Archambeault is being sued in his official capacity.

10. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Respondent Lyons is a legal custodian of Petitioner is being sued in his official capacity.
11. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (“DHS”). As Secretary of DHS, Secretary Mullin is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Mullin is being sued in his official capacity.
12. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

IV. EXHAUSTION OF REMEDIES

13. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241; *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not jurisdictionally required.
14. Moreover, additional agency steps would be futile. Since Immigration Judges

are adhering to the BIA's precedent decision *Matter of Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025). In its decision, the BIA adopted DHS' reading of 8 U.S.C. § 1225(b)(2), finding individuals similarly situated to Ms. Arias are ineligible for release on bond.

15. Nevertheless, *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) has certified the class of similarly situated individuals. Petitioner is a member of the Bond Denial Class, as he:

a. does not have lawful status in the United States and is currently detained at the Imperial Regional Detention Facility after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on or about December 12, 2025;

b. Entered the United States without inspection in May 2011 and was not detained immediately after arrival, *cf. id.*; and

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

16. Petitioner acknowledges that the Ninth Circuit has temporarily stayed the district court's December 18, 2025 declaratory judgment, which further establishes there is no additional recourse and further pursuit of administrative remedies would be futile. Therefore, Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

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V. STATEMENT OF FACTS

17. 20. Petitioner is a Honduran national . He last entered the United States without inspection on or about June 2019. From

that time he has lived and worked in Southern California.

18. Petitioner was previously in removal proceedings filed on June 22, 2019. He was released from custody and his proceedings continued on the non-detained docket. The Petitioner applied for asylum. On March 28, 2023, Petitioner's Proceedings were dismissed.
19. The petitioner does not have a criminal record.
20. On or about May 13, 2026, Petitioner was detained by ICE. Petitioner was near a job site with other co-workers, there was no provocation or illicit activity but several members were apprehended. Respondents detained Petitioner at Imperial Regional Detention Facility and initiated a new immigration court case.
21. At this time Petitioner remains detained without any recourse. He now seeks habeas relief because of continued detention which violates Due Process and the Fifth Amendment.

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

22. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).
23. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of [] as law and justice

require,” 28 U.S.C. § 2243. “[T]he court’s role was most extensive in cases of pretrial and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008). “[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner’s release.” *Id.* at 787.

24. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for noncitizens in removal proceedings.

25. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard

26. non-expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

27. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

28. Last, the Act also provides for detention of noncitizens who have been

29. previously ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

30. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

31. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of

the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104--208, Div. C, §§ 302--03, 110 Stat. 3009-546, 3009--582 to 3009--583, 3009--585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

32. Following enactment of the IIRIRA, EOIR drafted new regulations

33. explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

34. Thus, in the decades that followed, most people who entered without inspection-unless they were subject to some other detention authority-received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

35. Respondents’ new policy turns this well-established understanding on its heads and violates the statutory scheme.

36. Indeed, this legal theory that noncitizens who entered the United States without admission or parole are ineligible for bond hearings was already rejected by a District Court in the Western District of Washington, finding that

such individuals are entitled to bond redetermination hearings before immigration judges, and rejecting the application of § 1225(b)(2) to such cases. *Rodriguez v. Bostock*, No. 3:25-CV-05240- TMC, 2025 WL 1193850, at *12 (W.D. Wash. Apr. 24, 2025).

37. Despite this finding from a federal court, in July 2025, ICE released a memorandum instructing its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject bond redetermination hearings for applicants who arrived in the United States without documents.
38. On September 5, 2025, the BIA decided *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), incorrectly applying § 1225(b)(2) to individuals like Petitioner. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.), a case arising in the Central District of California, subsequently certified a class of similarly situated plaintiffs, issued a declaratory judgment and thereafter vacated *Matter of Yajure Hurtado*.
39. On March 6, 2026, the Ninth Circuit stayed portions of *Maldonado Bautista v. Santacruz*. However, “The validity of Yajure Hurtado’s interpretation of [8 U.S.C.] § 1225(b)(2)(A) is not the subject of this stay motion.”
40. This interpretation defies the INA. The plain text of the statutory provisions
41. demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, which “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
42. The text of § 1226 also explicitly applies to people charged as being inadmissible,

including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

43. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A).
44. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner who are alleged to have entered the United States without admission or parole.

VII. CAUSES OF ACTION

COUNT I

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Bond Hearing

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
46. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being admitted or paroled. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

47. The application of § 1225(b)(2) to bar Petitioners from receiving a bond redetermination hearing before an immigration judge violates the Immigration and Nationality Act.

COUNT II

Violation of the Administrative Procedure Act Unlawful Denial of Bond

48. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
49. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.
50. The application of § 1225(b)(2) to bar Petitioner from receiving a bond redetermination hearing before an immigration judge is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

COUNT III

Violation of Procedural Due Process

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

52. 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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
53. Petitioner has a fundamental interest in liberty and being free from official restraint.
54. The government's detention of Petitioner without a bond redetermination hearing to determine whether they are a flight risk or danger to others violates his right to due process.

COUNT IV

Violation of Substantive Due Process

55. Petitioner incorporates paragraphs 1 through 30 as if fully set out herein.
56. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.
57. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONST. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.
58. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as

ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

59. Respondents' actions are arbitrary and punitive. But for intervention by this Court, Petitioner has no means of release where Respondents contend that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2), which mandates the detention of an “applicant for admission” throughout the entirety of removal proceedings.

60. Respondents' newly formulated definition of “applicant for admission,” which would include any noncitizen who has not been formally admitted regardless of years of residence in the United States, directly contradicts both the plain text of the statute and controlling Ninth Circuit precedent.

61. As the Ninth Circuit explained in interpreting the phrase “applicant for admission” under § 1225(b)(1), “*an immigrant submits an ‘application for admission’ at a distinct point in time,*” and stretching that phrase to apply “*potentially for years or decades ... would push the statutory text beyond its breaking point.*” *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir. 2024) (citing *Torres v. Barr*, 976 F.3d 918, 922–26 (9th Cir. 2020) (en banc)).

62. Because Petitioner has resided continuously in the United States since 2019, his period as an “applicant for admission” has long since closed.

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;

- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release him from custody, under reasonable conditions of supervision or in the alternative order an immediate bond hearing;
- 3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Order Respondents to file a response within 3 business days of the filing of this petition;
- 5) Award attorneys' fees to Petitioner; and
- 6) Grant any other and further relief which this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 8th day of April 2026.

/s/Lilia Rodriguez

The Law Office of Erika Rodriguez
1450 Frazee Rd., Suite 303
San Diego, CA 92108
Attorney for Petitioner

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

I represent Petitioner, William S Menjivar Gabarrete, 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 19th day of June 2026

/s/ Lilia Rodriguez
Attorney Name

1	Dismissal of Proceedings	1
2	NTA for commencement of second proceeding	2-5

1

eROP

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1241 E. DYER ROAD, SUITE 200
SANTA ANA, CA 92705

In the Matter of:
MENJIVAR-GABARRETE, WILLIAM SELANY
MENJIVAR-PEREZ, CAMILA VICTORIA

Case No: 

RESPONDENT

IN REMOVAL PROCEEDINGS

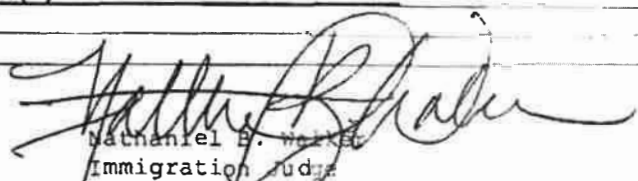
ORDER OF THE IMMIGRATION JUDGE

After considering the facts and circumstances of these cases and as there is no opposition from the parties, it is HEREBY ORDERED that these proceedings be dismissed with without prejudice.

NTA dated: Jun 22, 2019.

Reason for Dismissal:

8 CFR § 1239.2(c) & 8 CFR § 239.2(a)


Nathaniel B. Walker
Immigration Judge
Date: Mar 28 2023

Appeal Waived/Reserved by A/I: NO APPEAL
Appeal Due Date:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [] ALIEN c/o Custodial Officer [E] Alien's ATT/REP [E] DHS
DATE: 3/28/23 BY: COURT STAFF L. Le
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Form EOIR 35 - 6T (Termination)

2

Allegations: Admits All; | Charges: Concedes All;
Designated Country: HONDURAS |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

DOB: [REDACTED]

Event No: [REDACTED]

Respondent: WILIAM SELANY MENJIVAR GABARRETE currently residing at:

1572 GATEWAY RD CALEXICO, CALIFORNIA, 92231-9532

+1 (760) 618-7200

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

(Area code and phone number)

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS ;
3. You arrived in the United States at or near LAREDO, TX , on or about June 1, 2018 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

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

See Continuation Page Made a Part Hereof

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

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

2409 LA BRUCHERIE ROAD IMPERIAL CA US 92251

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

on May 26, 2026 at 08:30 AM
(Date) (Time)

to show why you should not be removed from the United States based on

CLAUDIA M ALVARADO
Date: 2026.05.13 08:14:30 -07:00
0616214151.CBP

Acting/Patrol Agent in Charge

the charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: May 13, 2026

Imperial, California
(City and State)

EOIR - 1 of 4

Allegations: Admits All; Charges: Concedes All;

Designated Country: DOMINICA

Notice to Respondent

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1(b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of \$5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of \$5,000 and imprisonment of up to 30 days. More information is available online at <https://www.uscis.gov/addresschange>. This obligation is in addition to your obligation to notify the Immigration Court of your change of address.

Representation: If you 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 INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 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 is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the Immigration Judge 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. 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. 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.

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 INA § 208(a)(2)(B).

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. This obligation is in addition to your obligation to notify DHS of your change of address.

Failure to Appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the immigration judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the immigration judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of \$5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA § 274D(a) of \$500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from \$1,000 to \$5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive Locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is SPANISH

Allegations: Admits All; | Charges: Concedes All;
Designated Country: HONDURAS |

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:

ROBERTO MOYRON

Date: 2026.05.13 08:13:19:07:00

0116076642.CBP

Border Patrol Agent

(Signature and Title of Immigration Officer)

William Mayberry
(Signature of Respondent)

Date: 05/13/2026

Certificate of Service

This Notice To Appear was served on the respondent by me on May 13, 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. ROBERTO MOYRON

Date: 2026.05.13 08:13:19:07:00

0116076642.CBP

Border Patrol Agent

William Mayberry
(Signature of Respondent if Personally Served)

(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.

Allegations: Admits All; | Charges: Concedes All;
Designated Country: HONDURAS ||

U.S. Department of Homeland Security

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Alien's Name WILLIAM SELANY MENJIVAR GABARRETE	File Number 	Date May 13, 2026
ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW: 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature 	CLAUDIA MALVARADO Date: 2026.05.13 01:01 -07:00 0616214151.CBP	Title Acting/Patrol Agent in Charge

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