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UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.:

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND INCORPORATED MEMORANDUM OF POINTS AND AUTHORITIES

(IMMIGRATION HABEAS CASE, 28 U.S.C. § 2241)

INTRODUCTION

1.Petitioner Jorge Gonzalo Samaniego is a lawful permanent resident of the United States who is gravely ill and unlawfully detained at the Adelanto ICE Processing Center. He returned from a four-day trip abroad with a surgically repaired hand and was detained at Los Angeles International Airport on June 3, 2026. He has now been held for nearly a month while his post-surgical hand goes untreated, the surgical site has become infected, a corrective surgery that medical staff have approved goes unperformed because ICE will not authorize it, and he has reported a sexual assault by a facility guard.

2.This Petition challenges the lawfulness of Petitioner's detention on three independent grounds. First, Petitioner is a returning lawful permanent resident who, under INA § 101(a)(13)(C), is not to be regarded as an applicant for admission, and therefore cannot lawfully be detained as an "arriving alien" under INA § 235(b). Second, Respondents' deliberate indifference to Petitioner's serious medical needs renders his continued detention a violation of the Due Process Clause of the Fifth Amendment and warrants his immediate release. Third, and in the alternative, Petitioner is entitled to release unless the Government justifies his detention at a constitutionally adequate custody hearing before a neutral decisionmaker at which it bears the burden of proof by clear and convincing evidence.

3.Petitioner seeks his immediate release and, in the alternative, an order requiring a constitutionally adequate bond hearing. He does not, by this Petition, ask this Court

to adjudicate his removability; he challenges only the legality of his physical custody.

FACTUAL BACKGROUND

A. Petitioner and His Status

4.Petitioner Jorge Gonzalo Samaniego (A-Number [redacted]) is a native and citizen of Mexico, born [redacted]. He is a lawful permanent resident of the United States. In 2021 he filed and was issued documentation in connection with a Form I-90 application to replace his Permanent Resident Card, reflecting his continuing lawful permanent resident status. He has long resided in California.

5.Petitioner is an avid athlete whose life centers on high-impact activity, including downhill mountain biking, bouldering, hiking, jiu-jitsu, and basketball. He has strong family ties in the United States, including his mother, Margarita, with whom he remains in close contact.

B. The Injury Abroad and the Return to the United States

6.On or about the last weekend of May 2026, while on a short trip to Jalisco, Mexico, Petitioner slipped and fell on wet tile during a rainstorm, breaking his thumb and finger. Within days he underwent orthopedic surgery in which a surgeon placed temporary stabilizing pins in his hand. The surgeon placed temporary pins, rather than a permanent metal plate, on the express condition that the surgical site be kept sterile, cleaned every few days, and protected from sudden movement.

7.On June 3, 2026, after a four-day trip, Petitioner returned to the United States through Los Angeles International Airport. He had never previously experienced

any border, transit, or admission issue. Upon arrival he was detained. He was transferred from the airport to a holding facility in downtown Los Angeles and then to the Adelanto ICE Processing Center.

8.When Petitioner asked the basis for his detention, officers initially refused to state any grounds. When pressed, officers falsely asserted that he had "two active felonies." When Petitioner disputed that as untrue, an officer responded, "Can you prove it? No? Then sit your ass down." When Petitioner explained that his medical backpack contained urgent post-surgical medications, officers directed him to "shut up and sit down" and confiscated the medications.

C. Medical Neglect in Detention

9.Upon arrival, Petitioner was deprived of his prescribed post-surgical antibiotic and pain medications for a period of at least twelve hours. His first antibiotic dose in custody was not administered until approximately 3:00 a.m. on June 6, 2026, and only after staff aggressively cut his surgical gauze, causing his pain to spike so severely that his heart rate dropped to approximately 40 beats per minute.

10.Petitioner had been prescribed two rotating medications—an eight-hour pain medication and a twelve-hour antibiotic. In detention he was repeatedly forced to beg for basic doses, and over one recent two-day period staff merely touched his fingers to check for sensation but refused to administer the scheduled antibiotic. The surgical pin site was never cleaned a single time during his detention, contrary to the surgeon's express instructions.

11.When Petitioner complained of severe, localized itching at the surgical pin site—an indication of worsening infection—a nurse dismissed the complaint, telling him it was merely "normal because it is closing." Petitioner also wears contact lenses; detention staff refused to provide him saline or to allow him to wear glasses. On one occasion a nurse forcefully squirted a generic fluid into his eyes and, when she saw the pain it caused, stated, "I don't wear contacts, I don't know what to do."

12.As a direct consequence of this neglect, the surgical site became infected, the original bone-setting failed, and Petitioner now requires an immediate, more invasive second surgery to install the permanent plate he had sought to avoid. Petitioner has been in excruciating pain, at times unable to speak. Although medical and supervising staff have approved the corrective surgery, it has not been performed because ICE will not authorize it, and facility administrators have refused to provide any date, stating only, "We don't provide that information."

13.Petitioner's condition deteriorated to the point that he was transported to Victor Valley (Global) Medical Center in Victorville, where he was held in the emergency room for approximately 24 hours and then admitted for roughly nine to ten days. He reports that, rather than treating the underlying injury, staff administered numerous vaccinations without addressing his hand.

14.At Victor Valley, a physician removed the dressing from Petitioner's hand and—despite assuring him beforehand that the equipment to re-cover it was

available—left the surgical site uncovered for the duration of the hospitalization, telling him afterward, "we don't have the equipment for that." The site was not cleaned; his hand turned a dark, coal-like color and began discharging pus. On another occasion a physician lifted Petitioner's hand while he slept and let it drop onto his chest, dislodging a surgical pin and causing severe pain. To secure his discharge, Petitioner was told he had to state that he felt better, and he did so despite remaining in pain.

15.Petitioner was then transferred to Arrowhead Regional Medical Center in Colton, which has a specialized hand and orthopedic unit and where, he reports, the clinical staff provided appropriate care. Victor Valley, however, failed to transmit any of Petitioner's medical files, charts, or X-rays to Arrowhead, forcing the specialized team to restart his diagnostic workup from scratch and delaying his care. He was then returned to Adelanto.

16.More recently, Petitioner reported to his mother that over a weekend he was given no medication, that his thumb had turned dark purple, and that he had suffered an assault in the facility bathroom in which someone attempted to rape him—conduct he indicated was committed by a guard. He reported that he is afraid even to use the bathroom and cannot speak freely because of the guards.

D. The Charging Document and the 2018 Conviction

17.On June 17, 2026, the Department of Homeland Security issued a Notice to Appear charging Petitioner as an "arriving alien" and alleging that he is ~~inadmissible under~~ INA § 212(a)(2)(A)(i)(I) ~~as a noncitizen convicted of a crime~~

involving moral turpitude. The sole predicate is a single 2018 conviction, in the Superior Court of California, County of Mono, for assault by means of force likely to produce great bodily injury, California Penal Code § 245(a)(4), with an enhancement under California Penal Code § 12022.7(a).

18. The conviction arose from an incident in which Petitioner, then employed as a valet, acted in self-defense. A delivery truck driver demanded that Petitioner immediately move vehicles; when Petitioner asked the driver to return later, the driver threw Petitioner against a vehicle, and Petitioner struck the driver's hand in self-defense before being thrown to the ground. Responding officers reviewed the property's surveillance footage and told Petitioner they were not arresting him because the footage showed he had acted in self-defense. Two days later, after the driver filed a complaint, Petitioner was arrested.

19. The court records (Mono County Superior Court Case No. MFE18003278) reflect that Petitioner entered a no-contest plea pursuant to People v. West, with the factual basis stipulated to the police report; that a second count was dismissed; that the court suspended imposition of sentence and placed Petitioner on 36 months' probation with two days in jail and two days of credit for time served; and that no term of imprisonment was ever imposed. Petitioner completed probation without any violation. The retired judge who presided over the matter has indicated a willingness to provide a letter of support.

E. The Immigration Proceedings and Detention

20.On at least two occasions, facility staff lost track of Petitioner because he was physically in the medical/nursing unit rather than his assigned residential block, and he was reported missing during the facility's thrice-daily counts. On one such occasion, four to five guards aggressively searched his unit looking for him. An officer guarding Petitioner also harassed and teased him about the surgery and his infected hand.

21.Petitioner missed a scheduled immigration hearing because he was hospitalized in ICE custody at the time, through no fault of his own. A master calendar hearing set for June 26, 2026 went forward without Petitioner's counsel being permitted to appear: the presiding Immigration Judge requires attorneys to appear in person and does not permit appearance by video absent a granted motion, and counsel was not admitted to the proceeding. Petitioner's counsel has entered an appearance (Form EOIR-28 / G-28) and continues to seek access to Petitioner, which detention officials have made difficult.

22.Petitioner's complete medical records from Mexico—including X-rays, surgical notes, and prescriptions—remain inside the medical backpack that officers confiscated upon his detention. He has been told he will "probably" receive corrective surgery, but Adelanto administrators refuse to provide any date or time.

23.Petitioner has been detained continuously since June 3, 2026. His detention is governed by this Court's General Order 26-05, which establishes an expedited briefing schedule for § 2241 immigration habeas petitions and, under Paragraph 6,

requires the Government to provide at least two court days' notice before removing a petitioner from the Central District of California.

PARTIES

24.Petitioner Jorge Gonzalo Samaniego (A-Number [redacted]) is a lawful permanent resident and a citizen of Mexico currently detained by the Department of Homeland Security at the Adelanto ICE Processing Center in Adelanto, California, within this District.

25.Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security and the highest-ranking official within DHS, responsible for the administration of the immigration laws and for the detention of noncitizens. He is sued in his official capacity.

26.Respondent Todd Blanche is the Acting Attorney General of the United States and has responsibility for the administration and enforcement of the immigration laws, including the operation of the immigration courts through the Executive Office for Immigration Review. He is sued in his official capacity.

27.Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement, which operates the immigration detention system. He is a custodian of Petitioner and is sued in his official capacity.

28.Respondent Warden, Adelanto ICE Processing Center / Desert View Facility, is the warden or facility administrator of the facility where Petitioner is held and is Petitioner's immediate physical custodian. The Warden is sued by official title, in

his or her official capacity, because his or her identity is presently unknown to Petitioner.

29.Respondent United States Citizenship and Immigration Services (USCIS) is the component of the Department of Homeland Security responsible for administering immigration benefits, including the documentation of Petitioner's lawful permanent resident status, and issued the Form I-90 receipt notices reflecting that status.

30.Respondents Executive Office for Immigration Review, U.S. Immigration and Customs Enforcement, and U.S. Department of Homeland Security are federal agencies responsible for implementing and enforcing the immigration laws, including the detention of noncitizens and the conduct of removal and custody proceedings.

JURISDICTION AND VENUE

31.This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. §§ 2201–2202 (Declaratory Judgment Act); and the Fifth Amendment to the United States Constitution.

32.Federal district courts retain jurisdiction over habeas petitions challenging the lawfulness and constitutionality of immigration detention. 8 U.S.C. § 1252 does not strip this Court of jurisdiction over such custody challenges. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001). Petitioner does not challenge a final order of

removal and seeks no relief reserved to the courts of appeals. Nor does 8 U.S.C. § 1226(e) bar review. That provision insulates only the Executive's discretionary judgments, not the legal and mixed questions presented here—including whether any statute authorizes Petitioner's detention, whether the established facts of his record legally constitute danger to the community or flight risk, and whether due process requires a constitutionally adequate custody hearing. See Demore v. Kim, 538 U.S. 510, 516–17 (2003); Jennings v. Rodriguez, 583 U.S. 281, 295 (2018); Martinez v. Clark, 124 F.4th 775, 785–86 (9th Cir. 2024) (habeas courts retain jurisdiction to review whether the historical facts of a detainee's record legally amount to "danger to the community").

33. Venue is proper under 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States acting in their official capacities, Petitioner is detained within this District at the Adelanto ICE Processing Center, and a substantial part of the events giving rise to the claims occurred in this District.

LEGAL BACKGROUND

34. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens, whether their presence is lawful, unlawful, temporary, or permanent. Zadvydas, 533 U.S. at 693. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." Id. at 690. A returning lawful permanent resident retains a weighty liberty interest and

may not be deprived of it arbitrarily. See Landon v. Plasencia, 459 U.S. 21, 32–34 (1982).

35.Under INA § 101(a)(13)(C), 8 U.S.C. § 1101(a)(13)(C), a lawful permanent resident returning from a trip abroad "shall not be regarded as seeking an admission" unless one of six enumerated exceptions applies. The only exception arguably implicated here is § 101(a)(13)(C)(v), which applies where the resident "has committed an offense identified in section 212(a)(2)." Because Petitioner's trip was brief and unremarkable, the Government's entire theory that Petitioner is an "arriving alien" depends on the 2018 conviction qualifying as an offense under § 212(a)(2).

36.The Government bears the burden of proving, by clear and convincing evidence, that a returning lawful permanent resident is to be treated as an applicant for admission. Matter of Rivens, 25 I&N Dec. 623, 625–26 (BIA 2011). A lawful permanent resident who is not an applicant for admission is not subject to mandatory detention as an "arriving alien" under INA § 235(b); at most, such a resident is detained under INA § 236(a), which authorizes release on bond.

37.Whether a conviction qualifies as a crime involving moral turpitude is determined under the categorical approach, which examines the least of the acts criminalized by the statute, not the petitioner's actual conduct. Although the Board of Immigration Appeals held that California Penal Code § 245(a)(1) is categorically a crime involving moral turpitude in Matter of Wu, 27 I&N Dec. 8

(BIA 2017), and the Ninth Circuit deferred to that holding in Safaryan v. Barr, 975 F.3d 976 (9th Cir. 2020), the en banc Ninth Circuit has since held that California Penal Code § 245 requires a mental state less than the conscious-disregard recklessness required for a crime of violence. See United States v. Gomez, 165 F.4th 1199, 1209–10 (9th Cir. 2026) (en banc). Because a crime involving moral turpitude requires at least a culpable mental state of conscious disregard of a substantial and unjustifiable risk, see Matter of Perez-Contreras, 20 I&N Dec. 615, 618–19 (BIA 1992), Gomez undermines the mens rea premise on which Wu and Safaryan rested.

38.Independently, the petty offense exception forecloses inadmissibility under § 212(a)(2) where the noncitizen has committed only one crime involving moral turpitude, the maximum penalty for the offense did not exceed one year of imprisonment, and the sentence imposed did not exceed six months. INA § 212(a)(2)(A)(ii)(II).

39.Civil immigration detainees are protected by the substantive component of the Due Process Clause, which forbids deliberate indifference to a detainee's serious medical needs and conditions of confinement that are not reasonably related to a legitimate, non-punitive governmental purpose. See Bell v. Wolfish, 441 U.S. 520, 535 (1979); Gordon v. County of Orange, 888 F.3d 1118, 1124–25 (9th Cir. 2018) (objective deliberate-indifference standard for civil detainees). Where conditions of confinement and a detainee's serious medical needs cannot be reconciled with continued detention, a court may order release on habeas.

40. Where detention is authorized, due process nonetheless requires a constitutionally adequate custody hearing before a neutral decisionmaker at which the Government bears the burden of justifying continued detention by clear and convincing evidence. See Singh v. Holder, 638 F.3d 1196, 1203–04 (9th Cir. 2011); Martinez v. Clark, 124 F.4th 775, 785–86 (9th Cir. 2024).

FIRST CAUSE OF ACTION

Unlawful Detention — Petitioner Is a Returning Lawful Permanent Resident, Not an "Arriving Alien" Subject to Mandatory Detention

41. Petitioner re-alleges and incorporates each preceding paragraph.

42. Petitioner is a returning lawful permanent resident. Under INA § 101(a)(13)(C), he is not to be regarded as seeking admission unless the Government proves an enumerated exception. The only exception at issue, § 101(a)(13)(C)(v), requires that he have committed an offense identified in § 212(a)(2). The Government bears the burden of proving the applicability of that exception by clear and convincing evidence. Matter of Rivens, 25 I&N Dec. at 625–26.

43. The Government cannot carry that burden. As an initial matter, the record of conviction is internally inconsistent on a point critical to the Government's theory: the plea form lists the Penal Code § 12022.7(a) enhancement allegation with the notation "Strike" and states an aggregate maximum exposure of four years—the maximum for the substantive offense alone, without the three-year enhancement—while the clerk's minute order recites an admission of the enhancement, and no enhancement term was imposed or stayed at sentencing. On

this conflicting record, the Government cannot establish the disposition of the enhancement, much less do so by clear and convincing evidence.

44.Moreover, California Penal Code § 245(a)(4) is not categorically a crime involving moral turpitude. Following the en banc decision in United States v. Gomez, the mental state required for a violation of § 245 is less than the conscious disregard of a substantial and unjustifiable risk that a crime involving moral turpitude requires. The contrary holdings of Matter of Wu and Safaryan v. Barr rest on a mens rea premise that Gomez has rejected, and they should not be followed here.

45.In the alternative, the petty offense exception applies. Petitioner has committed only one crime involving moral turpitude, if any, and the sentence imposed did not exceed six months—two days, with two days of credit. Because the court suspended imposition of sentence and granted probation, the offense—a "wobbler"—remains subject to reduction to a misdemeanor under California Penal Code § 17(b)(3) notwithstanding the completion of probation. Upon such a reduction, the offense is a misdemeanor for all purposes, including immigration purposes, see Garcia-Lopez v. Ashcroft, 334 F.3d 840, 845–46 (9th Cir. 2003), punishable by a maximum of 364 days, Cal. Penal Code § 18.5, and Petitioner is not inadmissible under § 212(a)(2). INA § 212(a)(2)(A)(ii)(II).

46.For the further avoidance of doubt, the 2018 conviction is not an aggravated felony. A crime of violence aggravated felony requires both that the offense be a

crime of violence and that a term of imprisonment of at least one year be imposed. INA § 101(a)(43)(F). Under Gomez, a violation of § 245 is not a crime of violence, and in any event no term of imprisonment of one year was imposed.

47.Because Petitioner is not properly regarded as an applicant for admission, he cannot lawfully be detained as an "arriving alien" under INA § 235(b). He is, at most, subject to detention under INA § 236(a), under which he is entitled to release on bond or other conditions. His mandatory detention is therefore without lawful statutory authority and must end.

SECOND CAUSE OF ACTION

Violation of the Fifth Amendment (Substantive Due Process) — Deliberate Indifference to Serious Medical Needs and Unconstitutional Conditions of Confinement

48.Petitioner re-alleges and incorporates each preceding paragraph.

49.As a civil immigration detainee, Petitioner is protected by the substantive component of the Fifth Amendment's Due Process Clause, which prohibits deliberate indifference to his serious medical needs and conditions of confinement that bear no reasonable relation to a legitimate, non-punitive purpose. Bell v. Wolfish, 441 U.S. at 535; Gordon v. County of Orange, 888 F.3d at 1124–25.

50.Petitioner's medical needs are serious and undisputed. He has an infected, surgically repaired hand with displaced hardware that requires urgent corrective surgery that medical staff have approved. Respondents have been deliberately indifferent to those needs: they confiscated his prescribed medications, deprived

him of antibiotics and pain medication for extended periods, failed ever to clean the surgical site as prescribed, allowed the site to become infected, and have refused to authorize or schedule the approved corrective surgery.

51. These conditions, together with Petitioner's report of a sexual assault by a guard and his resulting fear for his safety, establish that his continued detention is punitive and unreasonable in relation to any legitimate governmental purpose. The risk to Petitioner's health and bodily integrity is immediate and worsening. Continued detention under these conditions violates the Fifth Amendment, and the appropriate remedy is Petitioner's immediate release.

THIRD CAUSE OF ACTION

Violation of the Fifth Amendment (Due Process) — Detention Without a Constitutionally Adequate Custody Hearing (Pleaded in the Alternative)

52. Petitioner re-alleges and incorporates each preceding paragraph.

53. To the extent Respondents contend that any statute authorizes Petitioner's continued detention, due process forbids the Government from depriving Petitioner of his liberty without a constitutionally adequate custody hearing before a neutral decisionmaker at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or a danger to the community. Singh v. Holder, 638 F.3d at 1203–04; Martinez v. Clark, 124 F.4th at 785–86.

54. Petitioner has received no such hearing. He is a long-time lawful permanent resident with strong family ties, a single, remote conviction arising from an act of self-defense and completed without violation, and an acute medical condition. The

Government cannot show that his detention is necessary. Nor does any adequate administrative remedy exist: because Respondents have charged Petitioner as an "arriving alien," immigration judges lack jurisdiction even to conduct a bond hearing, 8 C.F.R. § 1003.19(h)(2)(i)(B), and the immigration forum has already proven inaccessible to him—he missed a hearing while hospitalized in ICE custody, and his counsel was excluded from a master calendar hearing. He is entitled to release or, at minimum, to a prompt, constitutionally adequate custody hearing.

ARGUMENT

55.Petitioner submits the following memorandum of points and authorities, incorporated in this Verified Petition. This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention, and the jurisdiction-channeling provisions of 8 U.S.C. § 1252 do not bar review of a detention challenge that does not seek review of a removal order. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001); Demore v. Kim, 538 U.S. 510, 516–17 (2003). Under this Court's General Order 26-05, the Petition operates as an order to show cause under 28 U.S.C. § 2243, Respondents' answer is due within seven calendar days, and the matter stands submitted upon the reply.

A.Petitioner Is a Returning Lawful Permanent Resident Who May Not Be Detained as an "Arriving Alien."

56.A lawful permanent resident returning from a trip abroad retains a weighty liberty interest and the protections of the Due Process Clause. Landon v. Plasencia,

459 U.S. 21, 32–34 (1982); Kwong Hai Chew v. Colding, 344 U.S. 590, 596 (1953). Congress codified that principle in INA § 101(a)(13)(C), 8 U.S.C. § 1101(a)(13)(C), which provides that a returning resident "shall not be regarded as seeking an admission" unless one of six enumerated exceptions applies.

57. Petitioner's trip lasted four days, so the only conceivably applicable exception is § 101(a)(13)(C)(v), which requires that the resident "has committed an offense identified in section 212(a)(2)." The Government bears the burden of proving the applicability of an exception—and thus that Petitioner is an applicant for admission—by clear and convincing evidence. Matter of Rivens, 25 I&N Dec. 623, 625–26 (BIA 2011). The record of conviction, moreover, is internally inconsistent as to the disposition of the § 12022.7(a) enhancement allegation—the plea form bears the notation "Strike" beside the allegation and states a four-year aggregate maximum that excludes the enhancement, while the minute order recites an admission—and the Government cannot carry a clear-and-convincing burden on a record that contradicts itself.

58. Whether a conviction is a crime involving moral turpitude is assessed under the categorical approach, which looks to the least of the acts criminalized, not the petitioner's conduct. Mathis v. United States, 579 U.S. 500, 504 (2016); Taylor v. United States, 495 U.S. 575, 600 (1990). A crime involving moral turpitude requires a culpable mental state of at least conscious disregard of a substantial and unjustifiable risk; mere recklessness in the objective sense, or negligence, does not suffice. Matter of Perez-Contreras, 20 I&N Dec. 615, 618–19 (BIA 1992).

59.It is true that the Board held § 245(a)(1) categorically turpitudinous in Matter of Wu, 27 I&N Dec. 8 (BIA 2017), and that the Ninth Circuit deferred to Wu in Safaryan v. Barr, 975 F.3d 976 (9th Cir. 2020). But Safaryan sustained Wu only as a "reasonable" agency application under Chevron, and it did so on the express premise—drawn from United States v. Grajeda, 581 F.3d 1186 (9th Cir. 2009), and United States v. Jimenez-Arzate, 781 F.3d 1062 (9th Cir. 2015)—that § 245's scienter is "greater than recklessness." 975 F.3d at 986–87. The en banc court in Gomez overruled Grajeda and Jimenez-Arzate by name and held the opposite: the mens rea defined in People v. Williams, 29 P.3d 197, 204 (Cal. 2001), which governs every form of § 245 assault, is "less culpable even than Borden's definition of recklessness, which requires conscious disregard of a substantial risk." Gomez, 165 F.4th at 1209–10. Gomez likewise rejected the precise equivalence on which Wu rested—that awareness of the facts creating a risk may be treated as awareness of the risk itself—because "a defendant who lacks a subjective awareness of any risk cannot consciously disregard" one. Id. at 1210. Although Gomez addressed subdivision (a)(1), its holding controls subdivision (a)(4) as well: the Legislature created § 245(a)(4) in 2011 by dividing former § 245(a)(1)'s alternative means into separate subdivisions without substantive change, and all § 245 offenses share the Williams mens rea. A crime involving moral turpitude requires, at minimum, a culpable mental state of conscious disregard of a substantial and unjustifiable risk. Matter of Perez-Contreras, 20 I&N Dec. 615, 618–19 (BIA 1992). Because § 245(a)(4)'s mens rea falls below that

floor, Safaryan is clearly irreconcilable with intervening en banc authority and does not bind this Court, see Miller v. Gammie, 335 F.3d 889, 892–93 (9th Cir. 2003) (en banc), and the Chevron deference on which it rested is no longer available, see Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024). Section 245(a)(4) is not categorically a crime involving moral turpitude, and the conviction cannot establish that Petitioner "committed an offense identified in section 212(a)(2)."

60. The § 12022.7(a) enhancement allegation does not alter this conclusion, even if the Government could establish its disposition on this conflicting record. The enhancement adds only a result—the actual infliction of great bodily injury—and supplies no mental state beyond that of the underlying assault. Under the definition of moral turpitude that this Court and the Board share, reprehensible conduct and a culpable mental state are weighed together on a sliding scale, but the scale does not extend below the conscious-disregard floor: conduct, however serious its consequences, cannot substitute for the missing mental state. See Matter of Perez-Contreras, 20 I&N Dec. 615, 618–19 (BIA 1992) (assault causing actual injury not a crime involving moral turpitude where the requisite mental state was absent). An aggravating factor can confirm turpitude only in combination with a qualifying mens rea, see Safaryan, 975 F.3d at 985–86; where, as Gomez holds, the mens rea never reaches the floor, there is nothing for the aggravator to combine with.

61. In the alternative, even if § 245(a)(4) were a crime involving moral turpitude, the petty-offense exception forecloses inadmissibility under § 212(a)(2) where the

noncitizen committed only one such crime, the maximum penalty did not exceed one year, and the sentence imposed did not exceed six months. INA § 212(a)(2)(A)(ii)(II). Petitioner's 2018 conviction was a single offense, and the sentence imposed—two days, with two days of credit—did not exceed six months. As to the maximum penalty, the offense is a "wobbler" on which the court suspended imposition of sentence and granted probation; it therefore remains subject to reduction to a misdemeanor under California Penal Code § 17(b)(3) notwithstanding the completion of probation. Upon such a reduction, the offense is a misdemeanor for all purposes, including immigration purposes, see Garcia-Lopez v. Ashcroft, 334 F.3d 840, 845–46 (9th Cir. 2003), punishable by a maximum of 364 days, Cal. Penal Code § 18.5, and the exception applies. A prior driving-related offense, if any, is not a crime involving moral turpitude and does not affect the single-CIMT requirement. See Matter of Torres-Varela, 23 I&N Dec. 78 (BIA 2001).

62.For the avoidance of doubt, the conviction is not an aggravated felony. A crime-of-violence aggravated felony requires both that the offense be a crime of violence and that a term of imprisonment of at least one year be imposed. INA § 101(a)(43)(F); 18 U.S.C. § 16; see Leocal v. Ashcroft, 543 U.S. 1 (2004). Under Gomez, § 245 is not a crime of violence, 165 F.4th at 1210, and in all events no one-year term was imposed. Indeed, the Government has already conceded that Gomez forecloses treating a § 245 conviction as a crime-of-violence aggravated felony. See Keo v. Blanche, Nos. 24-6583, 25-695 (9th Cir. June 1, 2026)

(unpublished mem.) (vacating removal order premised on a § 245(a)(2) conviction where the Government conceded that "Gomez resolved the question" of removability under 8 U.S.C. § 1227(a)(2)(A)(iii)).

63.Because Petitioner is not properly regarded as an applicant for admission, the mandatory-detention regime for arriving aliens under INA § 235(b) does not apply to him. At most he is subject to INA § 236(a), under which he is eligible for release on bond. His current detention lacks lawful statutory authority.

B.Continued Detention Violates Substantive Due Process Because Respondents Are Deliberately Indifferent to Petitioner's Serious Medical Needs.

64.Civil immigration detainees are protected by the Due Process Clause of the Fifth Amendment, which forbids both punitive conditions and deliberate indifference to serious medical needs. Bell v. Wolfish, 441 U.S. 520, 535 & n.16 (1979); Jones v. Blanas, 393 F.3d 918, 931–32 (9th Cir. 2004). For a civil detainee, the standard is objective: a defendant is liable where the challenged conduct is objectively unreasonable in light of a substantial risk of serious harm. Gordon v. County of Orange, 888 F.3d 1118, 1124–25 (9th Cir. 2018); see also Castro v. County of Los Angeles, 833 F.3d 1060, 1070–71 (9th Cir. 2016) (en banc).

65.Petitioner's needs are serious and undisputed: an infected, surgically repaired hand with displaced hardware requiring corrective surgery that medical staff have already approved. Respondents' response has been objectively unreasonable. They confiscated his prescribed medications; deprived him of antibiotics and pain

medication for extended periods; never once cleaned the surgical site as prescribed; allowed the site to become infected and to discharge pus; left the wound uncovered during a hospitalization; and have refused to authorize or schedule the approved corrective surgery, declining even to provide a date. These facts—corroborated by the accompanying declarations—establish deliberate indifference.

66. Where, as here, the conditions of confinement and a detainee's serious medical needs cannot be reconciled with continued detention, courts have ordered release on habeas. See Hernandez v. Sessions, 872 F.3d 976, 990–91 (9th Cir. 2017); Fraihat v. ICE, 445 F. Supp. 3d 709, 728–32, 749–51 (C.D. Cal. 2020) (ordering relief for medically vulnerable immigration detainees based on inadequate conditions of confinement). Petitioner's report of a sexual assault by a guard, and his resulting fear for his safety, confirm that his detention is punitive and bears no reasonable relation to any legitimate, non-punitive purpose. Immediate release is the appropriate remedy.

C. In the Alternative, Due Process Requires a Constitutionally Adequate Custody Hearing.

67. If the Court concludes that some statute authorizes Petitioner's detention, due process still forbids prolonged detention without a constitutionally adequate hearing. The Government must justify continued detention before a neutral decisionmaker and bear the burden of proving, by clear and convincing evidence, that the detainee is a flight risk or a danger to the community. Singh v. Holder, 638 F.3d 1196, 1203–04 (9th Cir. 2011); Martinez v. Clark, 124 F.4th 775, 785–86 (9th

Cir. 2024); see also Hernandez, 872 F.3d at 990–93 (ability to pay and alternatives to detention must be considered).

68.Petitioner has received no such hearing. He is a long-time lawful permanent resident with strong family ties; his only conviction is a single, remote offense arising from an act of self-defense, completed without violation; and he suffers from an acute, deteriorating medical condition. On this record the Government cannot carry its burden, and Petitioner is entitled to release or, at a minimum, to a prompt and constitutionally adequate custody hearing.

69.No adequate alternative forum exists, and no exhaustion requirement bars relief. Because Respondents have charged Petitioner as an "arriving alien," the regulations deprive immigration judges of jurisdiction even to conduct a custody hearing. 8 C.F.R. § 1003.19(h)(2)(i)(B); see Matter of Q. Li, 29 I&N Dec. ___ (BIA 2025); Matter of Yajure-Hurtado, 29 I&N Dec. ___ (BIA 2025). Respondents' own classification—the very classification this Petition challenges—thus forecloses the administrative remedy they might otherwise invoke: unless and until the classification is corrected, no immigration judge can order Petitioner's release. Section 2241 contains no statutory exhaustion requirement, and prudential exhaustion is excused where resort to the agency would be futile. See Laing v. Ashcroft, 370 F.3d 994, 1000–01 (9th Cir. 2004). The immigration forum has, moreover, already failed Petitioner in practice: he missed a scheduled hearing because Respondents hospitalized him without ensuring his appearance, and his counsel was excluded from the June 26, 2026 master calendar

hearing under the presiding immigration judge's in-person-appearance policy. Finally, because the immigration courts are housed within the executive branch that ordered and maintains Petitioner's detention, see 8 C.F.R. § 1003.0(a), due process requires that any custody hearing ordered by this Court be conducted before a genuinely neutral decisionmaker—this Court or a magistrate judge—or, at minimum, before an immigration judge bound by the procedural protections of Singh and Martinez. Cf. Ward v. Village of Monroeville, 409 U.S. 57, 61–62 (1972).

D.Petitioner's Fundamental Liberty Interest in Freedom from Physical Detention Requires His Release.

70."Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Because civil detention is a "deprivation of liberty which the Constitution may not permit" except in "certain special and narrow nonpunitive circumstances," it must be justified by a "sufficiently compelling" governmental interest and must bear a reasonable relation to the purpose for which the individual is detained. Id.; Foucha v. Louisiana, 504 U.S. 71, 80 (1992); United States v. Salerno, 481 U.S. 739, 746–48 (1987); Jackson v. Indiana, 406 U.S. 715, 738 (1972). As a returning lawful permanent resident, Petitioner's liberty interest is at its zenith. Landon v. Plasencia, 459 U.S. 21, 32–34 (1982).

71. No legitimate purpose is served by Petitioner's continued confinement. The only interests civil immigration detention may permissibly serve are ensuring appearance at proceedings and protecting the community. Zadvydas, 533 U.S. at 690–91. Petitioner is neither a flight risk nor a danger: he is a long-time lawful permanent resident with deep family and community ties in California, he voluntarily presented himself at a port of entry to return home, his sole conviction is a single, remote offense arising from an act of self-defense followed by probation completed without violation, and his acute medical condition leaves him physically incapable of flight. Detention meanwhile inflicts escalating, irreparable harm on his health and safety. Because his confinement bears no reasonable relation to any legitimate, non-punitive purpose, the deprivation of his fundamental liberty interest cannot be sustained, and this Court should exercise its habeas authority to order his immediate release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter and issue an order to show cause directing Respondents to show cause why the writ should not be granted, pursuant to 28 U.S.C. § 2243 and General Order 26-05;

b. Issue a writ of habeas corpus ordering Respondents to release Petitioner from custody immediately, without conditions of supervision or GPS monitoring;

c. Declare that Petitioner is a returning lawful permanent resident who is not an applicant for admission, and that his detention as an "arriving alien" under INA § 235(b) is unlawful;

d. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment;

e. In the alternative, order Respondents to provide Petitioner a constitutionally adequate custody hearing before a neutral decisionmaker at which the Government must prove, by clear and convincing evidence, that Petitioner is a flight risk or a danger to the community;

f. Enjoin Respondents from transferring Petitioner outside the Central District of California during the pendency of this action except on at least two court days' notice as required by General Order 26-05;

g. Order Respondents to produce Petitioner's complete medical records from the Adelanto ICE Processing Center and all records of his outside hospitalizations in their possession, custody, or control, and to return or produce the medical records, X-rays, and surgical notes confiscated from Petitioner at the time of his detention on June 3, 2026;

h. Award Petitioner his costs and reasonable attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other applicable basis; and

i. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: July 3, 2026

/s/ Alejandro Barajas
Alejandro Barajas, Esq. (SBN [BAR NO 305870])
Law Office of Alejandro Barajas
1930 Wilshire Blvd, Suite 1207
Los Angeles, CA 90057
(323) 695-9347| alejandrp@barajaslawoffice.com
Counsel for Petitioner

VERIFICATION

I, Alejandtro Barajas, declare as follows:

1.I am a member of the legal team representing Petitioner Jorge Gonzalo Samaniego in this matter and am authorized to make this verification on his behalf.

2.Because Petitioner is detained and many of the allegations of this Petition require legal knowledge not possessed by Petitioner, and because his ability to communicate has been impeded by the conditions of his detention and his medical condition, I make this verification on his behalf.

3.I have read the foregoing Verified Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief and know its contents. The matters stated therein are true of my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 3, 2026, at Los Angeles, California.

/s/Alejandro Barajas

Alejandro Barajas

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: JORGE GONZALO SAMANIEGO AKA: SAMANIEGO, See Continuation Page Made a Part Hereof currently residing at:

[redacted]

(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 were, on or about 09/24/2018, convicted in the Superior Court of California of Mono County for the offense of Assault with Force Likely to Cause Great Bodily Injury, in violation of Section 245(a)(4) and 12022.7(a) of the California Penal Code.

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:

Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act, as amended, in that you are an alien who has been convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime.

☐ 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:

10250 RANCHO RD, STE 201A, ADELANTO, CALIFORNIA 923012237. ADELANTO DETENTION FAC. WEST

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

on July 21, 2026 *(Date)* at 1:00 pm *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

A 9699 SANTANA - (A) SDDO

(Signature and Title of Issuing Officer)

Date: June 17, 2026

Adelanto, CA.

(City and State)

EOIR – 1 of 4

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.

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 and Title of Immigration Officer)

(Signature of Respondent)

Date: 17/6/26

Certificate of Service

This Notice To Appear was served on the respondent by me on June 17, 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 ENGLISH 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.

(Signature of Respondent if Personally Served)

M. CANO JR - 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-sorns. 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.

EOIR – 3 of 4

U.S. Department of Homeland Security **Continuation Page for Form** I-862

Alien's Name	File Number	Date
SAMANIEGO, JORGE GONZALO	[redacted] Event No: [redacted]	06/17/2026

ALSO KNOWN AS

JORGE G; SAMANIEGO, JORGE G

Signature	Title
A 9699 SANTANA	Deportation Officer

EOIR – 4 of 4

4 of 4 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
10250 RANCHO RD., SUITE 201A
ADELANTO, CA 92301

RE: SAMANIEGO, JORGE GONZALO
FILE: [redacted] DATE: Jun 23, 2026

TO:
SAMANIEGO, JORGE GONZALO
10250 RANCHO ROAD
ADELANTO, CA 92301

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Jun 26, 2026 at 08:00 A.M. PT at:

10250 RANCHO ROAD, SUITE 201A
ADELANTO, CA 92301

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT ADELANTO, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 304-625-2050. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [ ] ALIEN [P] ALIEN c/o Custodial Officer [ ] ALIEN's ATT/REP [P] DHS
DATE: 6/23/26 BY: COURT STAFF BB V3
Attachments: [X] EOIR-33 [ ] Appeal Packet [X] Legal Services List [X] Other

An official website of the United States government
Here's how you know

EOIR Automated Case Information

Court Closures Today July 1, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Home > **SAMANIEGO, JORGE GONZALO [redacted])**

Automated Case Information

Name: SAMANIEGO, JORGE GONZALO | A-Number: [redacted] | Docket Date: 6/23/2026

Next Hearing Information

Your upcoming **MASTER** hearing is **IN PERSON** on **July 16, 2026** at **8:00 AM**.

JUDGE

Depowell, Bryan E.

COURT ADDRESS

10250 RANCHO ROAD, SUITE 201A
ADELANTO, CA 92301

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
10250 RANCHO RD, SUITE 201A
ADELANTO, CA 92301

PHONE NUMBER
(760) 561-6500

Legal Policies & Disclaimers

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Office of the Inspector General

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For Employees

EOIR Freedom of Information Act (FOIA)

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Department of Justice | Executive Office for Immigration Review

5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

EOIR Automated Case Information

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Fax: (323) 849-3394
Email: alejandro@barajaslawoffice.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.:

DECLARATION OF CELIA MARGARITA SAMANIEGO IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I, Celia Margarita Samaniego, declare as follows:

1. I am the mother of Petitioner Jorge Gonzalo Samaniego. I make this declaration in support of his petition for a writ of habeas corpus. The facts stated in this declaration are based on my own personal knowledge and on what my son and other members of my family have personally told me, including during the frequent telephone and video calls I have had with my son since he was detained. If called as a witness, I could and would testify competently to these matters.

2. This declaration was read and explained to me in Spanish, a language I speak and understand, before I signed it.

Background

3. Jorge is a responsible, hardworking, and adventurous young man. He loves sports and the outdoors, including snowboarding and spending time in nature, and he recently got a dog. He is friendly and well-liked. He is a hardworker, finding employment in construction, worked as a valet, and worked in food service. He had been working toward buying his own home: he lives in an apartment that he rents from a man named Henry, who charges him very little, and Jorge hoped to buy the home from him. My other son, Jorge's brother, serves in the United States military.

Jorge's Hand Injury and Surgery

4. In late May 2026, while on a short trip to Mexico, Jorge slipped and fell during a rainstorm and broke his thumb and finger. He had surgery in which a surgeon placed pins to stabilize the bones. Jorge told me that the surgeon confirmed his finger was broken, gave him his X-rays and surgical notes, and asked him to remain for observation. When Jorge traveled back to the United States, he carried those X-rays and the doctor's notes with him.

Jorge's Return and Detention on June 3, 2026

5. On June 3, 2026, Jorge flew back into Los Angeles. He first sent me a message to say that he had landed. I did not see the message right away, and about twelve to fifteen minutes later I wrote back that it was good news and that I hoped nothing would happen. As his mother, I had a feeling that something might be wrong. His father tried to reassure me that everything was fine and that Jorge was just going through security.

6. About an hour later, my other son called me. He asked to speak with his father and asked us to put him on speaker. He told us that Jorge had been detained because of a 2018 arrest.

7. About three hours later, Jorge himself called me. He confirmed that he had been told he was being detained because of the 2018 matter. He apologized to me, told me that he loved me, and said he was sorry for having been detained.

8. Three days later, Jorge called again to tell me that he was still being held at the airport in Los Angeles. He told me that he was being given only snacks and no real meals, and that his hand was hurting very badly. He said that the officers unbandaged his hand, and took his medication away. He said that his hand was exposed.

Conditions of Detention and Denial of Medical Care

9. During one call, the connection was very poor. I asked Jorge whether something had happened. He did not want to tell me and kept refusing to speak. He began to cry. He said to me, "How do you want me to be, when I can't even use the restroom?" He also admitted that someone tried to sexually assault him, but could not say who it was. I requested him to tell me, but he refused out of fear. When I asked him if it was one of the detainees near him, he said no. After I asked again, he told me that he could not speak because the call was being recorded, and then he hung up.

10. In another call, Jorge told me that he was not receiving his medications, including his antibiotics. He told me that when he stood near the nurses' station to ask for help, staff told him to go away. He told me that his life had been threatened, that he was being held among people he described as rapists and killers, and that he felt he was being provoked. He said that he could not defend himself because he has the use of only one hand, and that if he reacted it would only cause his case to fall back.

11. I begged him to stay calm. I have been terrified for his safety. [redacted] has described the facility to me as a place with no control. He told me he has seen one detainee smash another detainee's head against a table, and another person beaten and taken to the emergency room, while the guards did nothing. I have not been able to sleep. I feel helpless. It has been like living in hell, not knowing whether at any moment my son might be the one taken to the emergency room.

12. More recently, [redacted] was calmer, and told me that he was trying to stay strong, but that he was afraid he was going to die. He told me that his hand was purple and swollen, that the screw was being rejected by his body, and that he still was not receiving any medication.

13. [redacted] told me that a nurse said there was nothing in his file about his hand. He told me that staff would check his hand every day by tugging on each finger but never clean it. When he asked why they were checking it if they were not going to offer relief, he was told it was "just to see if you still have feeling." When he has asked for medication, he was turned away and told that he could not be given anything because his record did not show his hand injury. He was told by a nurse that the guards and the doctors had approved his surgery, and that only ICE had not approved it. He also told me that the same nurse thought it was very strange that there was no record of his hand. She admitted that they have a responsibility to document his injury.

14. Jorge told me that on one occasion he stood at the window of the nurses' station for about an hour asking to have his hand cleaned or to be given medication. A woman behind the window, who was eating, looked at him, asked him to repeat himself, and then turned him away. This interaction occurred during their scheduled meal which he missed because he was seeking relief for his hand. The woman behind the window teased him that he "should go eat because he looks skinny and malnourished." while taking spoonfuls of her own meal. He said he retorted due to the frustration and pain he was feeling. He told me that he had only eaten beans and lettuce and that he was hungry, but that she kept eating her food and turned him away, and he missed his lunch. That same day, he asked for the nurse who had helped him when he first arrived, but he told me that she no longer comes to help him.

15. Jorge's thumb is now crooked when at rest. He described it to me as pointing toward "two o'clock." He said that a healthy thumb is typically pointing at "12 0'clock" when at rest, his thumb has begun to point towards "two o'clock" when resting. He has also shared that his hand has significant bruising, looks swollen, and he can his hand rejecting the screws from the surgery.

July 1, 2026

16. On July 1, 2026, Jorge called me. He told me that at 8:00 that morning he had been taken with a group to the infirmary to be examined. He told me that the staff saw everyone in his group except him. Another group then arrived, and again

everyone was seen except [redacted]. A guard then came out and told him, "Samaniego, you can go back to your block now." [redacted] said to him, "Why would I leave if I haven't been checked?" The guard answered that the doctor was not ready to see him. [redacted] asked why not, when the doctor had already seen everyone except him, and he and the guard argued.

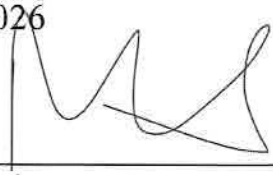
17. [redacted] told me that he finally decided it was better to leave. As he did, the guard told him, "If you leave, I'm going to have to record that you didn't want to be seen, because you are the one who is leaving." [redacted] told me that he can no longer feel the palm of his hand, even though he still could the night before. He told me that he had only managed to get them to give him antibiotics, and nothing for his pain. As he was telling me this, someone called out to him and he was taken away, and he had to hang up on me.

Conclusion

18.I am devastated. My son is a good, hardworking young man who has never been a danger to anyone. I am terrified that if he is not released and given proper medical care, he will permanently lose the use of his hand, or worse. I respectfully ask this Court to help my son.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 1, 2026



Celia Margarita Samaniego

CERTIFICATE OF TRANSLATION

I, Edwar Hernandez, declare that I am fluent in the English and Spanish languages, that I accurately translated this declaration from English into Spanish for the declarant, Margarita Samaniego, and that she indicated she understood its contents before signing it. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 1, 2026.

Edwar Hernandez, Translator
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Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.:

DECLARATION OF HEIDI GONZALEZ IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I, Heidi Gonzalez, declare as follows:

1. I am a member of the legal team at the Law Office Of Alejandro Barajas, counsel for Petitioner Jorge Gonzalo Samaniego. I make this declaration in support of his petition for a writ of habeas corpus. Except where otherwise stated, I have personal knowledge of the facts set forth below, and if called as a witness I could and would testify competently to them. I recount statements made to me by Mr. Samaniego or by his mother, Margarita Samaniego, I identify the source of the statement.

My June 24, 2026 Meeting with Mr. Samaniego at Adelanto

2. On June 24, 2026, I met with Mr. Samaniego in person at the Adelanto ICE Processing Center in Adelanto, California.

3. During our meeting, I personally observed that Mr. Samaniego was in visible, severe pain. He had to stop speaking completely multiple times during the meeting because of waves of pain radiating from his hand.

4. Mr. Samaniego described to me the circumstances of his injury. He told me that on approximately the last Saturday of May 2026, he fell on wet tiles during a rainstorm in Jalisco, Mexico, and broke his thumb and finger. A few days later he underwent orthopedic surgery in Mexico in which stabilizing pins were placed in his hand. He told me that he had asked the surgeon not to install a permanent metal

plate, and that the surgeon instead placed temporary pins on the condition that the surgical site be kept strictly sterile, cleaned every few days, and protected from sudden movement.

5. Mr. Samaniego told me that he flew back to Los Angeles International Airport (LAX) on or about June 3, 2026, after a four-day trip, and was immediately detained upon arrival to LAX. He said he had never before experienced any border or transit issue. He told me that officers initially refused to tell him why he was being detained; that when he asked, officers falsely asserted that he had two active felonies and that when he disputed this, an officer replied, "Can you prove it? No? Then sit your ass down"; He stated that all his belongings were confiscated and that he asked to access his backpack because he explained that his medical backpack contained urgent post-surgical medications, officers told him to "shut up and sit down"; and confiscated the medications. His medical records from Mexico, including X-rays, surgical notes, and prescriptions, remain in that confiscated backpack.

6. Mr. Samaniego told me that he was deprived of his post-surgical medications for at least twelve hours while detained at the airport, and that his first antibiotic dose in custody was not given until approximately 3:00 a.m. on June 6, 2026, at Adelanto. He told me staff administered it only after they aggressively cut his surgical gauze, causing his pain to spike so severely that his heart rate dropped to approximately 40 beats per minute.

7. Mr. Samaniego told me that he was prescribed two rotating medications: an eight-hour pain medication and a twelve-hour antibiotic. He stated that he was repeatedly forced to beg staff for basic doses. He told me that over one recent two-day period, nurses merely touched his fingers to check for sensation but refused to administer his scheduled antibiotics. He told me that when he complained of severe, localized itching at the surgical pin site, a nurse dismissed it as "normal because it is closing"

8. Mr. Samaniego told me that he was transported to Victor Valley Medical Center in Victorville, where he spent approximately 24 hours in the emergency room and was then admitted for approximately nine to ten days. He told me that staff there did not treat his hand and instead administered approximately twenty vaccinations without addressing the underlying injury.

9.Mr. Samaniego told me that a doctor at Victor Valley removed the wrap from his hand after assuring him the hospital had the equipment to re-cover it, and then left the surgical site uncovered, telling him about two hours later, "we don't have the equipment for that." The surgical site on his hand remained uncovered for the remainder of his hospitalization. He told me that staff never cleaned the surgical site, that his hand turned a dark, coal-like color, and that pus began coming out of it, causing him even greater pain.

10. Mr. Samaniego told me that on another occasion at Victor Valley, a doctor came to evaluate his hand while he was sleeping, lifted his hand, and let it drop

onto his chest. He told me this dislodged one of the surgical pins and caused him severe pain and emotional distress.

11. Additionally, Mr. Samaniego told me that when he complained that his contact lenses were severely dried out, a nurse forcefully squirted a generic fluid directly into his eyes, and when she saw that it hurt him, she said, "I don't wear contacts, I don't know what to do."

12. Mr. Samaniego told me that after this treatment he wanted to leave Victor Valley immediately, and that nurses told him the only way he would be released was if he said he was feeling better. He told me he said he was feeling better just so he could be released, however he stated he was still in severe pain.

13. Mr. Samaniego told me that he was then transferred to Arrowhead Regional Medical Center, which has a specialized hand and orthopedic unit, and that the clinical staff there provided excellent care. He told me, however, that Victor Valley failed to send any of his medical files, charts, or X-rays to Arrowhead, so the Arrowhead team had to restart his diagnostic evaluation from scratch, delaying his care.

14. Mr. Samaniego told me that a corrective, invasive second operation to install a permanent metal plate he had originally sought to avoid, was made necessary because the original bone-setting failed. The surgery had been approved by medical and supervising staff, but had not been performed. He told me he had been

told he would probably receive the surgery that week if health metrics allowed, but that Adelanto administrators refused to give him any date or time, stating, "We don't provide that information." Mr. Samaniego told me he is profoundly worried that the installation of a permanent metal plate will permanently limit his dexterity and take those activities from him.

15. Furthermore, Mr. Samaniego told me that facility staff lost track of him on at least two occasions because he was physically in the nursing unit rather than his assigned residential block, and that he was reported missing during the facility's standard counts. He told me that on one occasion, four to five large guards aggressively searched his unit looking for him and demanded, "Where have you been? We've been looking for you since you're not at the hospital and not at the facility."

16. Mr. Samaniego is an avid athlete who regularly engaged in high-impact sports, including downhill mountain biking, bouldering, hiking, jiu-jitsu, and basketball prior to detention. Thus a surgery with a permanent metal plate may severely limit his ability to continue his passions.

17. Mr. Samaniego also described to me the 2018 incident underlying his criminal record. He told me that it occurred at the West Inn in Mammoth Lakes, where he worked as a valet; that a truck driver for recycling company aggressively demanded that parked vehicles be moved immediately and threw him against his recycling truck; that he struck the driver's hand in self-defense; and that the driver

then threw him to the ground. He told me that responding officers reviewed the property's surveillance footage and told him,"We are not arresting you because we saw the footage and you acted in self-defense," but that he was arrested two days later after the truck driver filed a complaint. He told me the charge was reduced to a misdemeanor, and that he completed approximately four years of probation with no violations.

The June 26, 2026 Master Calendar Hearing

18. On June 26, 2026, I attempted to appear at Mr. Samaniego's master calendar hearing by WebEx and was not admitted into the proceeding.

19. Later that day, I spoke by telephone with Mr. Samaniego's mother, Margarita Samaniego. I explained to her what had happened in court that morning and she told me that she was very worried about her son; that he had been severely depressed the night before and that his health was declining; that his thumb was turning purple again; and that he was in a great deal of pain and the medical staff were not treating his wound or him properly.

My June 29, 2026 Call with Margarita Samaniego

20. On June 29, 2026, I spoke again with Margarita Samaniego. She was devastated. She told me that she had spoken with her son and that he had not been given any medication over the weekend.

21. She also told me that her son told her that he had suffered a sexual assault in a facility bathroom, in which someone attempted to rape him. She told me that he said it was not one of the detainees, and that he indicated it was one of the guards. She told me that he said he is now afraid even to go to the bathroom, and that he cannot tell her everything he has been going through because the calls are recorded.

22. She further told me that his thumb has turned dark purple again, he still is not receiving any medical attention and is in severe pain. She stated she is devastated and extremely concerned for Mr. Samaniego's well-being in the detention facility because he told her that he is being denied medical care and safety measures.

Conclusion

23. Based on my in-person observation of Mr. Samaniego on June 24, 2026, and the reports described above, his condition has visibly and steadily deteriorated in Respondents' custody, and his approved corrective surgery remains unperformed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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Executed on July 1, 2026, at Los Angeles, California.

/s/ Heidi Gonzalez
HEIDI GONZALEZ (Bar No: 349491)
Law Office of Alejandro Barajas

Non- Primary Attorney for Petitioner

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Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.:

DECLARATION OF ALEJANDRO BARAJAS AUTHENTICATING EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I, Alejandro Barajas, declare as follows:

1.I am an attorney licensed to practice law in the State of California and admitted to practice before this Court, and I am counsel of record for Petitioner Jorge Gonzalo Samaniego. I make this declaration based on my own personal knowledge and on my review of the documents maintained in Petitioner's case file at my office, the Barajas Law Office. If called to testify, I could and would testify competently to the following.

2.The facts stated in this declaration are true and based on my personal knowledge, except as to matters stated on information and belief, and as to those matters I am informed and believe them to be true.

3.I submit this declaration to authenticate the exhibits filed in support of the Petition. Each of the documents listed below is a true and correct copy of the document described. The exhibits consist of documents issued by government agencies and courts, documents provided to my office by Petitioner and his family, photographs provided to my office, and declarations executed for filing in this action, each of which is maintained in the ordinary course in my office's case file for this matter.

4.Members of my office, including Heidi Gonzalez, have met with Petitioner at the Adelanto ICE Processing Center and have communicated with Petitioner's mother, Margarita Samaniego, who has relayed Petitioner's reports regarding his medical condition and treatment in detention. Our office's access to Petitioner has been impeded by the conditions of his detention.

5.Our office is requesting certified records of Petitioner's 2018 conviction from the Superior Court of California, County of Mono, and will supplement the record promptly upon receipt. Petitioner's complete medical records from his detention, and the medical records confiscated from him at the time of his detention, remain in Respondents' possession.

EXHIBIT LIST

Exhibit A:Evidence of Petitioner's lawful permanent resident status, including a copy of his Permanent Resident Card and USCIS Form I-797 receipt notices for Form I-90 (Application to Replace Permanent Resident Card) (2021).

Exhibit B:Department of Homeland Security Form I-862, Notice to Appear, dated June 17, 2026.

Exhibit C:Notices of Hearing in Removal Proceedings, including the notice of the master calendar hearing scheduled for July 16, 2026, and printouts of EOIR automated case information.

Exhibit D:Records of Petitioner's 2018 conviction, Superior Court of California, County of Mono, Case No. MFE18003278, dated September 24, 2018 (Plea Form (CR-101), Minute Order, Notice, Orders, Sentence, and Commitment Form, and Probation Order) [certified copies to be supplemented upon receipt].

Exhibit E:Photographs of Petitioner's injured hand.

Exhibit F:Declaration of Margarita Samaniego, with Certificate of Translation.

Exhibit G:Declaration of Heidi Gonzalez.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 3, 2026, 2026, at Los Angeles, California.

/s/ Alejandro Barajas
Alejandro Barajas