U.S. Department of Justice

United States Attorney
Western District of New York

138 Delaware Avenue
Buffalo, New York 14202

(716) 843-5700
fax (716) 551-3052
Writer's Direct: (716) 843-5892
Chelsea.Cruz@usdoj.gov

July 20, 2026

The Honorable Meredith A. Vacca
United States District Judge
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

Re: Varela Pallo v. Rhoney, et al.
1:26-CV-01363-MAV

Dear Judge Vacca:

Attached are additional documents from ICE relevant to the authority for Petitioner's detention.

Respectfully submitted,

MICHAEL DIGIACOMO
United States Attorney
Western District of New York

BY: /s/ Chelsea A. Cruz
Assistant United States Attorney

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]

DOB: [redacted]/2004 **Event No:** [redacted]

In the Matter of:

Respondent: CESAR OLMEDO VARELA PALLO currently residing at:

FAILED TO PROVIDE ADDRESS EOIR-33 DOCKET

(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 ECUADOR and a citizen of ECUADOR ;
3. You arrived in the United States at or near OTAY MESA, CA , on or about April 12, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

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

290 BROADWAY -15th FLR NEW YORK NY 10007

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

on January 13, 2025 *(Date)* at 09:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

ANTHONY L MAGANA JR
Date: 2024.04.14 00:23:39 -07:00
0096653649.CBP.1

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: April 14, 2024 San Diego, California

(City and State)

EOIR – 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

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

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on April 14, 2024, 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.

ANTHONY T MARTIN
Date: 2024.04.14 00:27:09 -07:00
0729307019.CBP

_____ Border Patrol Agent

(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

EOIR - 2 of 3

Exh. 1 - : S/ECUADOR

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 3

Exh. 1 - : S/ECUADOR

U.S. Department of Homeland Security Subject ID: [redacted] **Record of Deportable/Inadmissible Alien**

Family Name (CAPS)	First	Middle	Sex	Hair	Eyes	Cmplxn
VARELA PALLO, CESAR OLMEDO			M	BLK	BRO	MED

Country of Citizenship	Passport Number and Country of Issue	File Number	Height	Weight	Occupation
ECUADOR	[redacted]	CASE No: [redacted]	66	112	LABORER

U.S. Address: FAILED TO PROVIDE ADDRESS EOIR-33 DOCKET [redacted]

Scars and Marks: None Visible

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at	F.B.I. Number
04/12/2024, 1900, 3 mile(s) E of OTM, PWA(AFOOT)		[redacted] ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence: [redacted]

Method of Location/Apprehension: PB

Date of Birth	Date of Action	Location Code	At/Near	Date/Hour
[redacted]/2004 Age:19	04/13/2024	SDC/CHU	OTAY MESA, CA	04/12/2024 2210

City, Province (State) and Country of Birth: [redacted]

AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐

By: ANDRE M. CLARK

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found
		PWA Mexico	TRAVEL/SEEKING

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.
		AT ENTRY

Immigration Record	Criminal Record
NEGATIVE	

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate):

Number and Nationality of Minor Children:

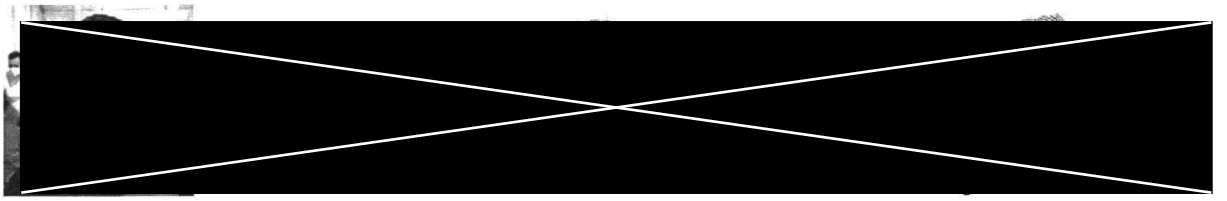
Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
See Narrative	See Narrative

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☐ Yes ☐ No	Systems Checks	Charge Code Words(s)
None Claimed			I6A

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
		Hr	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FINS #: [redacted] I77 #: [redacted] DNA Envelope #: [redacted]



ARREST COORDINATES:

Latitude: 32.543046
Longitude: -117.022807

CONSEQUENCE DELIVERY SYSTEM:

Classification: FIRA

ANTHONY T MARTIN
Date: 2024.04.14 00:26:26 -07'00'
0729307019.CBP

ANTHONY T. MARTIN
BORDER PATROL AGENT
(Signature and Title of Immigration Officer)

Alien has been advised of communication privileges 04/13/2024 ANTHONY T MARTIN Date: 2024.04.14 00:26:26 -07'00' 0729307019.CBP (Date/Initials)

Distribution:

Received: (Subject and Documents) (Report of Interview)

Officer: ANTHONY T. MARTIN

on: April 13, 2024 at 2358 (time)

Disposition: Notice to Appear Released (I-862)

Examining Officer: ANTHONY MAGANA JR ANTHONY L MAGANA JR Date: 2024.04.14 09:13:30 -07'00' CBP1

Form I-213 (Rev. 08/01/07) Y

U.S. Department of Homeland Security **Continuation Page for Form** I213

Alien's Name	File Number	Date
VARELA PALLO, CESAR OLMEDO	[redacted] Event No: [redacted]	04/14/2024

ADDRESS USED ON I-862:

Address Type: E-33 Docket
Address: FAILED TO PROVIDE ADDRESS, EOIR-33 DOCKET, [redacted]

FATHER NAME AND ADDRESS:

[redacted]

MOTHER NAME AND ADDRESS:

[redacted]

CUSTODY REDETERMINATION:

OREC

Other Family/Associates Not in Event:

[redacted]

NARRATIVE:

IMMIGRATION HISTORY: No Prior immigration history.

CRIMINAL HISTORY: No prior criminal history.

ENCOUNTER:
A Border Patrol agent encountered this subject in the San Diego Border Patrol Sector's area of responsibility (AOR). It was determined that this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.

After determining that this subject illegally entered the United States, the subject was arrested and transported to a nearby Border Patrol facility for processing using the E3/IDENT and IAFIS Systems.

IMMIGRATION/CRIMINAL VIOLATION:
The subject claims to be a citizen and national of Ecuador without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an

Signature	Title
ANTHONY T. MARTIN ANTHONY T MARTIN Date: 2024.04.14 00:26:30 -07:00 0729307019.CBP	BORDER PATROL AGENT

U.S. Department of Homeland Security **Continuation Page for Form** I213

Alien's Name	File Number	Date
VARELA PALLO, CESAR OLMEDO	[redacted] Event No: [redacted]	04/14/2024

immigration officer at a designated Port of Entry.

The subject stated that both [redacted]

CONSULAR NOTIFICATION:
The subject was notified of their right to communicate with a Consular Officer from their country as per Article 36(1) (b) of the Vienna convention on Consular Relations. The subject indicated they understood this right but declined to speak with anyone at this time.

********** RELEASED ON ORDER OF RECOGNIZANCE / EOIR-33 DOCKET **********

DISPOSITION:
While in custody, the subject was unable to provide a complete/valid address of a point of contact (POC) in the United States, but stated their intended destination was Bronx, NY.

The subject is being processed as NTA/OR due to lack of bed space.

The subject was served with DHS forms I-220A, I-862, I-286, and given a copy of agency form G-56, a list of free legal services, and the "Notice to Appear Tear Sheet."

The subject was informed, per agency for I-220A, that they must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review and / or surrender for removal from the United States if so ordered.

The subject was given a copy of form EOIR-33 and instructed that if their address and/or telephone number changes while awaiting or going through immigration proceedings, they are to file this form with the Department of Homeland Security within five (5) working days of that change.

The subject does not appear to be a threat to national security, border security, or public safety. The subject was released from the custody of the Department of Homeland Security (DHS) by "Order of Recognizance" (O.R.) pending their immigration hearing. This release was authorized through proper channels in accordance with San Diego Sector protocols.

Signature	Title
ANTHONY T. MARTIN ANTHONY T MARTIN Date: 2024.04.14 00:26:34 -07:00 0729307019.CBP	BORDER PATROL AGENT

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [redacted]
Event No: [redacted]

FINS #: [redacted]

Date: April 14, 2024

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
CESAR OLMEDO VARELA PALLO
(Full name of alien)

an alien who entered the United States at or near OTAY MESA, CALIFORNIA (Port) on April 12, 2024 (Date) is within the country in violation of the immigration laws and is therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

ANTHONY L MAGANA JR
Date: 2024.04.14 00:23:33 -07:00
0096653649.CBP.1
(Signature of Designated Immigration Officer)

(Print name of Designated Immigration Officer)

ACTING/PATROL AGENT IN CHARGE
(Title)

Certificate of Service

Served by me at SAN DIEGO, CALIFORNIA on April 14, 2024 at 12:02 AM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

ANTHONY T MARTIN
Date: 2024.04.14 00:25:52 -07:00
0729307019.CBP
(Signature of officer serving warrant)

Border Patrol Agent
(Title of officer serving warrant)

Form I-200 (Rev. 08/01/07) N

DEPARTMENT OF HOMELAND SECURITY

NOTICE OF CUSTODY DETERMINATION

Alien's Name: CESAR OLMEDO VARELA PALLO A-File Number: [redacted]

Date: 04/14/2024

Event ID: [redacted] Subject ID: [redacted] FIN: [redacted]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☐ Detained by the Department of Homeland Security.

☒ Released (check all that apply):

☐ Under bond in the amount of $ _____

☒ On your own recognizance.

☐ Under other conditions. [Additional document(s) will be provided.]

ANTHONY L MAGANA JR
Date: 2024.04.14 00:23:48 -07:00
0096653649.CBP.1

Name and Signature of Authorized Officer

04/14/2024 0007
Date and Time of Custody Determination

Acting/Patrol Agent in Charge
Title

San Diego, California
Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ **I do** request an immigration judge review of this custody determination.

☒ **I do not** request an immigration judge review of this custody determination.

Signature of Alien

04/14/2024
Date

The contents of this notice were read to CESAR OLMEDO VARELA PALLO (Name of Alien) in the SPANISH (Name of Language) language.

ANTHONY T MARTIN
Date: 2024.04.14 00:27:00 -07:00
0729307019.CBP

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Border Patrol Agent
Title

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [redacted]
Date: April 14, 2024
Event No: [redacted]

Name: CESAR OLMEDO VARELA PALLO

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (~~writing~~) (person) to **AS INDICATED ON THE ATTACHED OREC G-56**
(Name and Title of Case Officer)

at _____ on _____ at _____
(Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.
☒ You must not violate any local, State, or Federal laws or ordinances.
☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.
☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

ANTHONY L MAGANA JR
Date: 2024.04.14 00:23:44 -07:00
0096653649.CBP.1
(Signature of DHS Official)

Acting/Patrol Agent in Charge
(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

ANTHONY T MARTIN
Date: 2024.04.14 00:26:42 -07:00
0729307019.CBP
(Signature of Immigration Officer Serving Order)

(Signature of Alien)

04/14/2024
(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

_____ _____
(Signature of Immigration Officer Canceling Order) (Date)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NEW YORK - BROADWAY IMMIGRATION COURT

Respondent Name:
VARELA PALLO, CESAR OLMEDO

To:
VARELA PALLO, CESAR OLMEDO
[redacted]

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
06/30/2026

ORDER OF THE IMMIGRATION JUDGE

The Department of Homeland Security has ☑ filed a motion or ☐ orally moved to pretermit the following application(s):

589 Application for Asylum, Withholding and CAT relief

Upon considering the motion, and any opposition from the non-moving party, the motion is:

☑ granted for the following reason(s):
- ☐ Respondent has failed to establish *prima facie* eligibility for relief.
- ☑ Other:

The Court originally denied DHS' Motion to Pretermit, on the basis that the respondent had alternative relief available in the United States which was not available in the proposed ACA country of Honduras. The Court was operating under the mistaken assumption that an ACA Motion to Pretermit could be denied on this basis. Further review and research demonstrates that such is not the case. For these reasons, the matter has been remanded to the Court by the Board of Immigration Appeals. The Court will now revisit the Motion to Pretermit and the Reply to the Motion.

DHS seeks to remove respondent, an Ecuadorian citizen and native, to Honduras, pursuant to an ACA agreement between the United States and Honduras. Although respondent filed a Reply in which he asserts that such removal is unenforceable for various reasons, precedent decisional law from the Board of Immigration Appeals hold that such issues are not within the jurisdiction of the Immigration Court to resolve if the ACA Motion is determined to be facially valid, which the Court determines at this time. The Court concludes that the respondent is subject to the terms of the ACA

Agreement between the United States and Honduras.

The record shows that respondent does not assert he has ever visited Honduras or been harmed in that country. Moreover, the respondent's 589 application makes it clear that all of the respondent's problems that caused him to flee to the United States exist only in respondent's home country of Ecuador. He claims to have suffered persecution due to [redacted] There is no assertion in the 589 application that respondent's problems exist outside of his home country of Ecuador.

Respondent does contend, in the Reply to the Motion, that he will suffer persecution and harm in Honduras. However, this is based solely on country conditions reports supplied with the Reply to Motion. The Court concludes that the reports, standing alone, are speculative and do not meet respondent's burden of proof to show that he will more likely than not suffer persecution or torture if removed to Honduras to seek immigration relief in that country.

Given the above, the respondent has failed to meet his burden of proof to show that he would more likely than not suffer persecution or torture if he were removed to Honduras to seek immigration relief in that country. Therefore, the Court must grant the DHS Motion to Pretermit. Appropriate orders follow below.

ORDERS:

It is HEREBY ORDERED that the DHS Motion to Pretermit is GRANTED;

It is FURTHER ORDERED that the respondent be REMOVED from the United States to Honduras, pursuant to the charges in the Notice to Appear.

☐ denied for the following reason(s):

- ☐ Respondent has established *prima facie* eligibility for the relief requested.
- ☐ Other:

A. M. C.

Immigration Judge: Calvelli, Andrew 06/30/2026

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

Appeal Due:

Certificate of Service

This document was served:

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

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

Respondent Name : VARELA PALLO, CESAR OLMEDO | A-Number : [redacted]

Riders:

Date: 06/30/2026 By: Calvelli, Andrew, Immigration Judge

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Rutkey, Ellinor Hannah
The Door's Legal Services Center
121 Avenue of the Americas
Fl. 3
New York, NY 10013

DHS/ICE Office of Chief Counsel – NYB
26 Federal Plaza, 11th Floor
New York, NY 10278

Name:
VARELA PALLO, CESAR OLMEDO [redacted]

Riders:

Date of Notice: 07/10/2026

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 07/08/2026 , in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the EOIR Policy Manual, Part III: Board Practice Manual, available on EOIR's website at www.justice.gov/eoir.

Accepted by: WhiteS

CC

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

Subject ID: [redacted] **FINS #:** [redacted]
DOB: [redacted]/2004 File No: [redacted]
Event No: [redacted]

In the Matter of:
Respondent: CESAR OLMEDO VARELA PALLO currently residing at:

FAILED TO PROVIDE ADDRESS EOIR-33 DOCKET

(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 ECUADOR and a citizen of ECUADOR ;
3. You arrived in the United States at or near OTAY MESA, CA , on or about April 12, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

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

290 BROADWAY -15th FLR NEW YORK NY 10007

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

on January 13, 2025 at 09:30 AM to show why you should not be removed from the United States based on the
(Date) *(Time)*

charge(s) set forth above.

ANTHONY L MAGANA JR
Date: 2024.04.14 00:23:39 -07:00
[redacted] Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: April 14, 2024 San Diego, California

(City and State)

EOIR - 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

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

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on April 14, 2024, 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.

_____ ANTHONY T MARTIN Date: 2024.04.14 00:27:19 -07:00 0729307019.CBP

(Signature of Respondent if Personally Served) Border Patrol Agent *(Signature and Title of officer)*

EOIR – 2 of 3

Exh. 1 - : S/ECUADOR

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 3

Exh. 1 - : S/ECUADOR

U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
VARELA PALLO, CESAR OLMEDO		

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	MED

Country of Citizenship	Passport Number and Country of Issue	File Number
ECUADOR	[redacted]	[redacted]

Height	Weight	Occupation
66	150	UNR

U.S. Address: [redacted]

Scars and Marks:

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
Unknown Date Unknown Time, UNK, UU-Unknown Or Not Reported	

F.B.I. Number: [redacted]

☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence:

Method of Location/Apprehension: NCA

Date of Birth	Date of Action	Location Code	At/Near	Date/Hour
[redacted]/2004 Age: 22	07/06/2026	SYR/BUF	See I-831	07/06/2026 15:51

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
ECUADOR			See Narrative

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.

Immigration Record	Criminal Record
NEGATIVE	

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate)	Number and Nationality of Minor Children
	None

Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
[redacted]	[redacted]

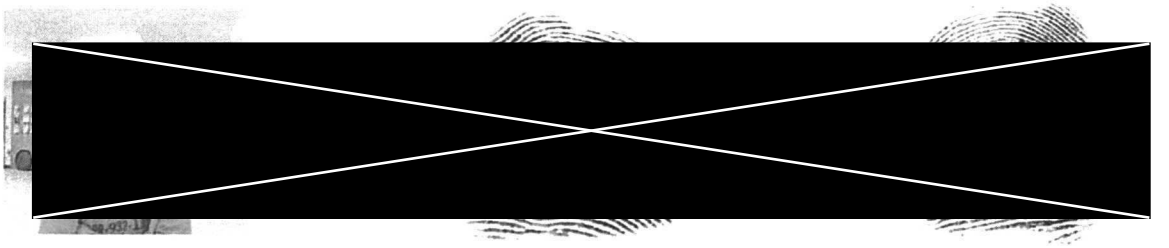
Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☒ Yes ☐ No	Systems Checks	Charge Code Words(s)
None Claimed		See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
	Unemployed or Retired	Hr	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: [redacted]

Left Index fingerprint



Right Index fingerprint

Body Worn Camera (BWC) Information

BWC footage was recorded for this enforcement activity.

FAMILY INFORMATION

[redacted]

Alien has been advised of communication privileges 07/06/2026 (Date/Initials)

STERLING LIMA
Deportation Officer
(Signature and Title of Immigration Officer)

Distribution:

Received: (Subject and Documents) (Report of Interview)

Officer: STERLING LIMA

on: July 6, 2026 (time)

Disposition: Other

Examining Officer: MUEHLIG, M D05839 (A) SDDO

Form I-213 (Rev. 08/01/07)

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VARELA PALLO, CESAR OLMEDO	[redacted] Event No: [redacted]	07/06/2026

SUBJECT HEALTH STATUS

The subject claims good health.

CURRENT ADMINISTRATIVE CHARGES

07/06/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)

RECORDS CHECKED

[redacted]

ARRESTING AGENTS

VINCENT PATERNOT 9531 KRASINSKIW 7990 KIRCHMEYER

ARRESTED AT/NEAR

48 FOWLER AVE, JOHNSON CITY, NEW YORK, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

Binghamton OP arrest

The following narrative is based on information provided by the arresting officers; a search of available immigration and criminal databases and statements made voluntarily by the subject.

This predication/encounter portion of the narrative was written by the arresting officer

PREDICATION:

In response to the President's declaration of a national emergency related to illegal immigration, US Immigration and Customs Enforcement; Enforcement and Removal Operations (ICE ERO) arrested [redacted] and VARELA-Pallo, Cesar Olmedo A# [redacted] in a targeted enforcement action during a Surge Operation on Binghamton, New York.

ENCOUNTER:

On 07/06/2025 at approximately 0830 hrs., ICE ERO Buffalo observed a white van bearing MA plate [redacted] at a gas station located at 2 Castle Creek Road, Binghamton, NY. ICE ERO Buffalo started to follow the vehicle while record check were being conducted. The plates came back to [redacted] appears to have entered the US illegally without authorization.

The passenger of the vehicle matched the description of the above target, roughly -25-30 yrs old, light-brown skin. The height of the passenger was unknown as he never exited the vehicle.

At approximately 0900hrs, ICE ERO Buffalo conducted a vehicle stop by initiating their emergency lights at 48 Fowler, Binghamton, NY.
At that time ICE ERO Buffalo with Police/ICE identifiers on their outer clothing and wearing a body camera approached the subject and identified themselves as Homeland Security officers

Signature	Title
STERLING LIMA	Deportation Officer

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VARELA PALLO, CESAR OLMEDO	[redacted] Event No: [redacted]	07/06/2026

and told him that he was being recorded via axon body worn cameras.
ICE ERO Buffalo asked the occupants for their names and identification. The driver handed officers his NYS driver's license bearing his name [redacted] freely admitted that he has no status and entered the US illegally.

The passenger did not have ID on him. ICE ERO Buffalo utilized a government application, Mobile Fortify to determine if he was the owner of the vehicle. Results from Mobile Fortify identified the passenger as the vehicle owner's brother, VARELA-Pallo, Cesar Olmedo A# [redacted]. Record checks determine that he is currently in proceedings in NYC and failed to notify ICE of his address change.

ICE ERO officers directed both occupants to exit the vehicle and then informed them that they were both being arrested for not having legal status in the US.

ICE ERO Buffalo served VARELA-PALLO an I-200 on body camera at the time of arrest. Government issued Axon view body cameras were activated and recording during this enforcement action. Body camera footage was not reviewed prior to writing this encounter. VARELA-PALLO was taken into custody without incident and transported to the Buffalo Federal Detention Facility in Batavia, NY for further processing by AIP transportation unit

Arresting Officers:
DO Krasinski
DO Paterno
DO Kirchmeyer

I, Deportation Officer Lima, was not the arresting officer. I was issued this unprocessed case to finalize the disposition.

CITIZENSHIP:
VARELA-PALLO is a native and citizen of Ecuador.

ENTRY/IMMIGRATION HISTORY:
According to immigration records VARELA-PALLO was encountered by the United States Border Patrol (USBP) on April 12, 2024 near Otay Mesa, California where USBP determined VARELA-PALLO was present in the United States illegally. During this encounter, VARELA-PALLO was issued an I-862 Notice to Appear pursuant to 212(a)(6)(A)(i) of the Immigration and Nationality Act and was released on an Order of Recognizance.

A Motion to Pretermit VARELA-PALLO's I-589 Application for Asylum was granted and VARELA-PALLO was subsequently ordered removed from the United States by an Immigration Judge on June 30, 2026, and has until July 30, 2026 to file an appeal. No appeal has been received in this case at this time.

CRIMINAL HISTORY:
VARELA-PALLO does not have a criminal history.

GANG AFFILIATIONS:
VARELA-PALLO claimed no gang affiliation.

FAMILY:
[redacted]

An ICE Form 71-078 was filled out with limited information. VARELA-PALLO refused to sign.

Signature	Title
STERLING LIMA	Deportation Officer

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
VARELA PALLO, CESAR OLMEDO	[redacted] Event No: [redacted]	07/06/2026

MILITARY SERVICE:
VARELA-PALLO claimed no membership in the United States military and stated that no immediate family member is now or was previously in the United States military.

EMPLOYMENT:
VARELA-PALLO did not make any claims of employment.

HEALTH:
VARELA-PALLO claimed to be in good health.

TRAVEL DOCUMENTS:
VARELA-PALLO was not in possession of any valid travel documents from his country of citizenship.

LIST OF LEGAL SERVICES:
ERO provided VARELA-PALLO with an updated list of legal services pursuant to 8 CFR 238.1(b)(2)(iv).

VIOLATION:
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.

VOLUNTARY DEPARTURE:
VARELA-PALLO was not eligible for voluntary departure due to his pending order of removal.

DISPOSITION:
VARELA-PALLO will be processed as a T-Other due to his ongoing proceedings and housed at the Buffalo Federal Detention Facility in Batavia, NY pending his removal from the United States.

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]

Signature	Title
STERLING LIMA [signature]	Deportation Officer

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. [redacted]

Date: 07/06/2026

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that VADELA PALLO, Cesar is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Johnson City, NY (Location)

on VADELA Pallo Cesar (Name of Alien) on 07/06/2026 (Date of Service), and the contents of this notice were read to him or her in the English (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: VARELA PALLO, CESAR OLMEDO A-File Number: [redacted]

Date: 07/06/2026

Event ID: [redacted] Subject ID: [redacted]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☒ Detained by the Department of Homeland Security.

☐ Released (check all that apply):

- ☐ Under bond in the amount of $ _____
- ☐ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

MUEHLIG, M D05839
Name and Signature of Authorized Officer

07/06/2026 4:42 PM
Date and Time of Custody Determination

(A) SDDO
Title

U.S. IMMIGRATION & CUSTOMS ENFORCEMENT
DRO - Batavia, NY SPC Sub-Office
4250 FEDERAL DRIVE
Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

- ☒ **I do** request an immigration judge review of this custody determination.
- ☐ **I do not** request an immigration judge review of this custody determination.

X _____
Signature of Alien

07/06/2026
Date

The contents of this notice were read to VARELA PALLO, CESAR OLMEDO (Name of Alien) in the SPANISH (Name of Language) language.

M. Rodriguez
Name and Signature of Officer

Null
Name or Number of Interpreter (if applicable)

DO 15082
Title