

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:25-cv-61231-LEIBOWITZ

Mario Rodriguez Izquierdo,

Petitioner,

v.

Garrett Ripa,

Director of Miami Field Office,
U.S. Immigration and Customs Enforcement, *et al.*

Respondents.

PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner, by and through undersigned counsel, hereby files this Notice of Supplemental Authority with regard to Petitioner's standard removal proceedings before the Executive Office of Immigration Review (EOIR), which are currently pending. [ECF No. 4-3.] This Notice is being submitted to show that proceedings before EOIR proceedings are mandatory given Respondents' invocation of a ground of inadmissibility, 8 U.S.C. § 1182(a)(6)(A)(i), not authorized for use in the expedited removal process and because EOIR proceedings are statutorily exclusive of other inadmissibility or removal proceedings.

1. 8 CFR §235.3(b)(3) (mandating immigration court jurisdiction when additional grounds of inadmissibility are charged) ("In the expedited removal process, the Service *may not charge an alien with any additional grounds of inadmissibility other than section 212(a)(6)(C)¹ or 212(a)(7)² of the Act...* If an alien appears to be inadmissible under

¹ 8 USC § 1182(a)(6)(C), relating to misrepresentation and fraud.

² 8 USC § 1182(a)(7), relating to lacking proper documents

other grounds contained in section 212(a) of the Act, and if the Service wishes to pursue such additional grounds of inadmissibility, the alien shall be detained and referred for a removal hearing before an immigration judge ...”) (emphasis added)

2. 8 U.S.C. § 1229a(a)(3) (setting forth that standard removal proceedings are an “exclusive” procedure) (“Unless otherwise specified in this chapter, a proceeding under this section [relating to standard removal proceedings] shall be the *sole and exclusive procedure* for determining whether an alien may be admitted to the United States or, if the alien, has been so admitted, removed from the United States. Nothing in this section shall affect proceedings conducted pursuant to section 1228³ of this title.”) (emphasis added.)

Dated: June 29, 2025

s/ Felix A. Montanez

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³ 8 USC § 1228 relates to a fast-track removal procedure persons convicted of aggravated felonies, an entirely different process from the expedited removal procedure in 8 USC §1225(b)(1).