UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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J.U.,
Petitioner
-against-

RAUL MALDONADO, Jr., in his official Capacity as Warden of the Metropolitan Detention Center,
Respondent.
----------x

Civil Action No.
25-cv-4836
(Merchant, J.)

DECLARATION OF DEPORATION OFFICER MICHAEL CHARLES

Pursuant to 28 U.S.C §1746, I, Michael Charles, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Deportation Officer at the United States Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security ("DHS"). I have served in this capacity since September 2015, and prior to that time, I served as an Immigration Enforcement Agent. As a Deportation Officer, I manage the cases of aliens who are in immigration proceedings. Once an alien is ordered removed from the United States, I facilitate the alien's removal by coordinating with the government of that alien's country of removal to obtain proper travel documents.
2. I have prepared this declaration in connection with the Emergency Petition for Writ of Habeas Corpus filed by Jhoyber Lopez Urbaneja ("Petitioner"). Petitioner has been assigned the following Alien Number: [redacted]. The following representations are based on my review of Petitioner's administrative file and ICE's electronic records and databases.
3. Petitioner is not a United States citizen. Petitioner is a native and citizen of Venezuela.

4. Petitioner unlawfully entered the United States from Mexico on March 18, 2024, near El Paso, Texas. He was thereafter encountered by a U.S. Customs and Border Protection ("CBP") Agent and transported to the El Paso Hardened Facility for pending on March 19, 2025.

5. During processing, ICE served Petitioner with a Notice to Appear ("NTA"), which charged him as being removable pursuant to INA §212(a)(6)(a)(i), 8 U.S.C. §1182(a)(6)(A)(i), as an alien present in the United States without being admitted or paroled. *See* Exhibit A (true and correct copy of NTA served on Petitioner on March 19, 2024).

6. CBP also served Petitioner with a Form I-200, Warrant for Arrest of Alien, and a Form I-286, Notice of Custody Determination, notifying Petitioner that CBP determined he would be released on his own recognizance given lack of bed space. Petitioner also was served with a Form I-220A, Order of Release on Recognizance, setting forth the conditions of release, including the requirement that he report for check-ins with ICE periodically as directed. Petitioner indicated that he would be living in Queens, New York. *See* Exhibits B, C, and D (true and correct copies of Form I-200, Form I-286, and Form I-220A, respectively, served on Petitioner on March 19, 2024).

7. On March 19, 2024, ICE filed the NTA with the New York Immigration Court thereby placing Petitioner in removal proceedings before the Immigration Court. The NTA ordered Petitioner to appear on June 17, 2025, at 26 Federal Plaza in New York, New York, for an initial master hearing. *See* Exhibit A.

8. In May 2024, Petitioner filed a Form I-589, Application for Asylum and for Withholding of Removal, with the New York Immigration Court.

9. On June 17, 2025, Petitioner appeared at his initial master hearing and was granted a continuance. He was served with a Notice of Hearing ("NOH") informing him that his next master hearing was rescheduled to July 1, 2025. *See* Exhibit E (true and correct copy of NOH dated June 17, 2025).

10. On July 1, 2025, Petitioner appeared for his master hearing. At the conclusion of the hearing, Petitioner was served with a NOH informing him that his next master hearing would be on March 10, 2026. *See* Exhibit F (true and correct copy of NOH dated July 1, 2025).

11. Following the master hearing, ICE took Petitioner into custody and transported him to the ICE's processing space at 26 Federal Plaza in New York, New York, pursuant to INA § 235(b)(A), 8 U.SC. § 1225(b)(2)(A).

12. Following processing, Petitioner remained at ICE's processing space until his transfer to Metropolitan Detention Center in Brooklyn, New York, on July 7, 2025.

13. Petitioner's case was subsequently administratively transferred to the detained docket at the Varick Street Immigration Court.

14. On July 11, 2025, counsel for Petitioner filed written pleadings with the Varick Street Immigration Court on behalf of Petitioner wherein Petitioner admitted the factual allegations in the NTA and conceded that he is removable under INA §212(a)(6)(a)(i), 8 U.S.C. §1182(a)(6)(A)(i). *See* Exhibit G (true and correct copy of Petitioner's Written Pleadings dated July 11, 2025).

15. On July 15, 2025, a NOH was served on Petitioner's counsel informing counsel that Petitioner's next master hearing was scheduled for July 21, 2025 (moving up the hearing

more than seven months, from March 10, 2026) *See* Exhibit H (true and correct copy of NOH dated July 15, 2025).

16. On July 21, 2025, a NOH was served on Petitioner's counsel informing counsel that Petitioner's next master hearing was scheduled for August 4, 2025. *See* Exhibit I (true and correct copy of NOH dated July 21, 2025).

17. On July 23, 2025, Petitioner filed a motion for a custody redetermination hearing with the Varick Street Immigration Court. *See* Exhibit J (true and correct copy of Petitioner's Motion for Bond Request).

18. On July 31, 2025, Immigration Judge Prieto conducted a bond hearing. After consideration of the evidentiary record and the arguments made by the parties, Judge Prieto determined that the Petitioner was subject to mandatory detention under INA §235(b)(2), and that the Immigration Court lacked jurisdiction to entertain his bond request. The Immigration Judge entered an order denying Petitioner's bond request, noting that he was subject to mandatory detention. *See* Exhibit K (true and correct copy of Order of the Immigration Judge dated July 31, 2025) and Exhibit L (true and correct copy of Memorandum Order of the Immigration Judge dated September 8, 2025).

19. On August 4, 2025, a NOH was served on Petitioner at MDC informing him that his next master hearing had been scheduled for August 18, 2025. *See* Exhibit M (true and correct copy of NOH dated August 4, 2025).

20. On August 18, 2025, a NOH was served on Petitioner's counsel, Quinn Emanuel, informing counsel that Petitioner's next master hearing was scheduled for September 3, 2025. *See* Exhibit N (true and correct copy of NOH dated August 18, 2025).

21. On August 21, 2025, Petitioner filed another motion for a custody redetermination hearing with the Varick Street Immigration Court, arguing he was eligible for bond under INA §236(a), 8 U.S.C. §1226(a). *See* Exhibit O (true and correct copy of Petitioner's Motion for Bond or Parole dated August 21, 2025 (without exhibits)).

22. A custody redetermination hearing took place on August 27, 2025. The Immigration Judge, after consideration of the evidentiary record and arguments of the parties, denied Petitioner's motion, finding the Petitioner failed to demonstrate a material change in circumstances required for another custody redetermination hearing. *See* Exhibit P (true and correct copy of Order of the Immigration Judge).

23. On August 27, 2025, Petitioner filed a timely appeal with the Board of Immigration Appeals (BIA) of the Immigration Judge's bond decision. His appeal remains pending. As of this writing, no briefing schedule has been set.

24. On September 3, 2025, a NOH was served on Petitioner's counsel informing counsel that Petitioner's individual hearing before the Immigration Court was scheduled for September 30, 2025. *See* Exhibit Q (true and correct copy of NOH dated September 3, 2025).

25. Petitioner, with ICE's consent, filed a motion for continuance of the individual hearing from September 30, 2025. On September 11, 2025, a NOH was served on Petitioner's counsel informing counsel that Petitioner's individual hearing was moved to October 9, 2025. *See* Exhibit R (true and correct copy of NOH dated September 11, 2025).

26. Petitioner is scheduled for an individual hearing before the Immigration Judge on his asylum application on October 9, 2025, at which time Petitioner may present his claim for asylum to the Immigration Judge.

27. Petitioner remains detained at the Metropolitan Detention Center, pursuant to INA §235(b)(2) pending the outcome of his removal proceedings.

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed this 12th day of September, 2025

MICHAEL V CHARLES Digitally signed by MICHAEL V CHARLES Date: 2025.09.12 18:34:45 -04'00'

Michael V. Charles
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security