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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 KAROLAINÉ MONTEIRO DE SOUZA,

11 Petitioner,

12 v.

13 TIMOTHY ROBBINS ET AL.,

14 Respondents.
15
16

CASE NO. 1:25-CV-01597-DJC-JDP

GOVERNMENT'S SUPPLEMENTAL
RESPONSE TO OSC WHY PRELIMINARY
INJUNCTION SHOULD NOT ISSUE ON SAME
TERMS AS TRO

17 The attached declaration of Deportation Officer Gwendolyn Ng shows that the Petitioner entered
18 the United States illegally, was initially released, and then was detained by ICE after she failed to
19 appear for two scheduled check-ins. For these reasons, and for the reasons set forth in the
20 Respondents' opposition to the TRO filed at Dkt. 8, Respondents continue to oppose the issuance of
21 a preliminary injunction. Respondents hereby submit on their pleadings.
22

23 Dated: December 2, 2025

ERIC GRANT
United States Attorney

24 By: /s/ Joseph Barton
25 Joseph Barton
26 Assistant United States Attorney
27
28

DECLARATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Karolaine Monteiro De Souza
Petitioner,
v.
Timothy S. Robbins,
Respondent.

) CASE NO. 1:25-cv-01597-DJC-JDP
)
) **DECLARATION OF**
) **DEPORTATION OFFICER**
) **GWENDOLYN NG**
)
)
)
)
)

I, Gwendolyn Ng, make the following statements under oath and subject to the penalty of perjury:

1. I am a Deportation Officer ("DO") with the U.S. Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), in the San Francisco Field Office. I have been employed with ICE ERO since November 12, 2017. I currently serve as a DO and am assigned to the Non-Detained Unit.

2. My responsibilities include but are not limited to, placing aliens into removal proceedings and monitoring case progression, evaluating bond status, and enforcing final orders of removal.

3. I am familiar with ICE policies and procedures governing the detention and removal of aliens. I am one of the DOs assigned to the case of Karolaine Monteiro De Souza, ("Petitioner"). The facts in this declaration are based on my personal knowledge, consultation with other DHS and ICE personnel, and review of official documents and records maintained by the agency and Department and other relevant sources during the regular course of my duties. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above-captioned case.

4. I have obtained and attached to my declaration true and correct copies of the following documents from the above-named Petitioner's case file and records maintained by DHS, which will be referenced as Exhibits ("Exh.") as follows:

DECLARATION OF DEPORTATION OFFICER GWENDOLYN NG
Case No.: 1:25-cv-01597-DJC-JDP

Exhibit 1: Form I-213, Record of Inadmissible/Deportable Alien (October 12, 2024).

Exhibit 2: Notice to Appear (November 4, 2024).

Petitioner's Immigration History

5 On October 12, 2024, U.S. Customs and Border protection ("CBP") encountered
Petitioner on the U.S. side of the international border with Mexico. CBP determined that Petitioner did
not have legal documentation to be in the United States in violation of INA § 212(a)(7)(A)(i)(I). Exh. 1
(Form I-213).

6. On November 4, 2024, the Department of Homeland Security (DHS) issued Petitioner a
Notice to Appear, Form I-862, charging her pursuant to section 212(a)(6)(A)(i) and of the Immigration
and Nationality Act (INA), as an alien present in the United States without being admitted or paroled, or
who has arrived in the United States at any time or place other than as designated by the Attorney
General; and pursuant to INA § 212(a)(7)(A)(i)(I), as an alien who, at the time of application for
admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card,
or other valid entry document required by the INA, and a valid unexpired passport, or other suitable
travel document, or document of identity and nationality as required under the regulations issued by the
Attorney General under section 211(a) of the INA. Exh. 2 (Notice to Appear).

7. On January 28, 2025, and June 3, 2025, Petitioner missed her scheduled check-ins.
Consequently, on October 20, 2025, DHS detained Petitioner pursuant to INA § 235(b)(1).

8. On November 24, 2025, DHS released Petitioner from detention pursuant to the District
Court's November 23, 2025 order.

9. Petitioner is currently scheduled for a hearing before the Adelanto Immigration Court on
February 9, 2026.

I declare, under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct
to the best of my knowledge, information, belief, and reasonable inquiry.

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Dated: November 28, 2025

GWENDOLYN S NG Date: 2025.11.28 15:01:32
-08'00'

Gwendolyn Ng
Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

EXHIBIT 1

U.S. Department of Homeland Security

Subject ID : [REDACTED]

Record of Deportable/Inadmissible Alien

Family Name (CAPS) MONTEIRO DE SOUZA, KAROLAINÉ		First	Middle	Sex F	Hair [REDACTED]	Eyes [REDACTED]	Complexion [REDACTED]
Country of Citizenship BRAZIL	Passport Number and Country of Issue [REDACTED]	File Number [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Occupation [REDACTED]	
US Address [REDACTED]				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 10/12/2024 03:02, EGP, owl				Passenger Boarded at [REDACTED]			
Number, Street, City, Province (State) and Country of Permanent Residence [REDACTED]				FBI Number [REDACTED]			
Date of Birth [REDACTED]				Date of Action 10/12/2024		Location Code EGS	
City, Province (State) and Country of Birth BRAZIL				AR ☒ Form : (Type and No) Lifted ☐ Not Lifted ☐		Method of Location/Apprehension PE	
NIV Issuing Post and NIV Number [REDACTED]				Social Security Account Name [REDACTED]		At/Neat [REDACTED]	
Date Visa Issued [REDACTED]				Social Security Number [REDACTED]		Date/Hour 10/12/2024 03:02	
Immigration Record NEGATIVE				Criminal Record [REDACTED]			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) [REDACTED]						Number and Nationality of Minor Children None	
Father's Name, Nationality, and Address, if Known [REDACTED]				Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED]			
Monies Due/Property in US Not in Immediate Possession None Claimed				Fingerprinted? ☒ Yes ☐ No		Systems Checks See Narrative	
Name and Address of (Last)(Current) US Employer [REDACTED]				Type of Employment [REDACTED]		Salary [REDACTED]	
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]				Charge Code Words(s) See Narrative		Employed from/to [REDACTED]	
Left Index fingerprint [REDACTED]				Right Index fingerprint [REDACTED]			
Family Information ----- Father: [REDACTED] Mother: [REDACTED] Spouse: [REDACTED] Child: [REDACTED]							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				JAMES MUSKETT-IV Border Patrol Agent (Signature and Title of Immigration Officer)			
Distribution: ERBEC 8 USC 1182 EAGLE PASS, TX SSPF				Received (Subject and Documents) (Report of Interview) Officer: JAMES MUSKETT-IV on October 12, 2024 (time) Disposition: Expedited Removal - Per 212 (F) Examining Officer: _____			

Alien's Name MONTEIRO DE SOUZA, KAROLAINE	File Number [REDACTED]	Date 10/12/2024
SCARS MARKS AND TATTOOS ----- None Visible - None Visible		
Subject Health Status -----		
Current Criminal Charges ----- 10/12/2024 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212		
Current Administrative Charges ----- 10/12/2024 - 212a7A1I - IMMIGRANT WITHOUT AN IMMIGRANT VISA		
RECORDS CHECKED ----- CIS checked on 10/12/2024 with Negative result. ABIS checked on 10/12/2024 with Negative result. EARM checked on 10/12/2024 with Negative result. NCIC checked on 10/12/2024 with Negative result. TECS checked on 10/12/2024 with Negative result. NGI checked on 10/12/2024 with Negative result.		
Record of Deportable/Excludable Alien: -----		
ENCOUNTER: Subject was encountered by U.S. Border Patrol Agents, on the United States side of the United States/Mexico border, as indicated in the data portion of form I-213. After a brief interview, it was determined that this subject is not a citizen or resident of the United States. Subject was placed under arrest, transported to Firefly Soft-Sided Processing Facility in Eagle Pass, Texas for further processing, and advised of their rights.		
IMMIGRATION CHECKS: Negative		
CRIMINAL HISTORY: Negative		
CONSULATE NOTIFICATION: The subject was notified of the right to communicate with a consular officer. Subject waived their consular notification rights.		
HEALTH SCREEN: The subject appears to be in good health. Form CBP-2500 Medical has been completed.		
PROPERTY AND MONEY: See data portion of Form I-213 above		
Signature JAMES MUSKETT-IV	Title Border Patrol Agent	

Alien's Name MONTEIRO DE SOUZA, KAROLAINE	File Number [REDACTED]	Date 10/12/2024
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IDENTITY:

Q. What is your complete and correct name?
A. My name is Karolaine MONTEIRO De Souza

Q. Have you ever used any other names?
A. No

Q. When and where were you born?
A. On [REDACTED]. In Brazil

Q. Of what country are you a citizen?
A. Brazil

Q. Of what country are your parent's citizens?
A. Brazil

Q. Do you have any document issued by a legal authority that permits you to enter, live or work in the United States?
A. No

Q. Did your parents ever have any legal immigration documents that allowed them to enter, live or work in the United States?
A. No

Q. Have your parents ever resided in the United States?
A. Subjects mother currently lives in The United States on a Visa

Q. Were your parents ever United States Citizens?
A. No

Q. Do you have any claim to being a citizen of the United States?
A. No

Q. Do you have any United States immigration petitions pending on your behalf?
A. No

Q. When, where and how did you last enter the United States?
A. Subject walked across The Rio Grande River on 10/12/2024 from Piedras Negras into Texas

Q. Were you inspected by an immigration officer at a port of entry?
A. No

Q. Have you ever resided here in the United States before?
A. No

Q. Have you ever been arrested, detained, deported or excluded by United States Immigration officers?
A. No

Q. Where were you going today?
A. Daly City, CA

DISPOSITION:

Subject is amenable to and will be issued a Notice and Order of Expedited Removal, Form I-860, pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA). Subject was advised that they may not return to the United States for a period of 5 years and if they do, they will be subject to Reinstatement of a Prior Order of Removal, Form I-871, pursuant to Section 241(a)(5) of the INA. Subject is being charged with Section 8 USC 1182 on the INA. Subject will be transferred to the custody of ICE/ERO, pending removal.

Applicant entered during times of high levels of encounters at the Southern Border and has been identified and processed as a noncitizen who is potentially subject to a limitation on asylum eligibility, in accordance with 8 CFR 208.13(g), 8 CFR 208.35, 8 CFR 235.15, 8 CFR 1208.13(g), and 8 CFR 1208.35.

Applicant is NOT described, nor meets the criteria as an exception under section 3(b) of the Proclamation.

Other Identifying Numbers

ALIEN- [REDACTED]

Signature JAMES MUSKETT-IV	Title Border Patrol Agent
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EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

Subject to Securing the Border (SB)

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

File No: [REDACTED]

In the Matter of:

Respondent: KAROLAINE MONTEIRO DE SOUZA currently residing at:

KARNES CO IMMIGRATION PROCESS CTR, 409 FM 1144, Karnes City, TX 78118

(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 Brazil and a citizen of BRAZIL;
3. You entered the United States at an unknown location on or about 2024-10-12;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
5. 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:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has 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:

566 Veterans Drive, Pearsall, TX 78061

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

on DECEMBER 11, 2024 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.

[Signature]
(Signature and Title of Issuing Officer)

Supervisory Asylum Officer

Date: 10/23/2024

Houston, TX
(City and State)

EOIR
1 of 3

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

PORTUGUESE

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 11-11-24, 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 _____ 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)

(Signature and Title of officer)

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.