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Attorney for Petitioner

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CARLOS ENRIQUE ESPADA HERNANDEZ

Petitioner,

v.

Warden of ADELANTO DETENTION FACILITY; *Ernesto Santacruz Jr in his official Capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations* ADELANTO DETENTION FACILITY; KRISTI NOEM, *in her official capacity as Secretary of the U.S. Department of Homeland Security;* and PAM BONDI, *in her official capacity as Attorney General of the United States*,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Carlos Enrique Espada Hernandez ("Petitioner") to remedy his unlawful detention.
2. Petitioner is a 43-year-old citizen of Guatemala. [*See* Exhibit A: "Birth Certificate for Petitioner Carlos Enrique Espada Hernandez"]
3. On August 26, 2025, Petitioner was taken into custody and is currently detained at the Adelanto Detention Facility.
4. Petitioner is currently in removal proceedings at the Adelanto Immigration Court, Executive

Office for Immigration Review (EOIR). He intends to pursue any and all available relief from removal and to remain present for his immigration proceedings.

5. On November 21, 2025, he was denied release on bond due to "lack of authority," under the Board's intervening precedent in *Matter of Hurtado*, 29 I&N Dec. 2016 (BIA 2025), leaving him in continued custody without a constitutionally adequate opportunity to seek release. [*See* Exhibit C: "Order of the Immigration Judge Denying Redetermination of Custody"].

6. Accordingly, Petitioner respectfully requests that this Court order Respondents to provide him with a prompt and constitutionally adequate bond hearing before an Immigration Judge, or, in the alternative, to release him from custody if such a hearing is not provided within a reasonable period.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district Adelanto Detention Facility in Adelanto, California, which is within the jurisdiction of this District.

11. Venue is proper in this District because a substantial part of the events or omissions giving rise to this action occurred and continue to occur Adelanto Detention Facility in Adelanto,

California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

14. Petitioner was arrested by ICE officers on August 26, 2025, and was transferred to Adelanto Detention Center where he is currently detained. He is in custody, and under the direct control, of Respondents and their agents.

15. The acting Warden of Adelanto Detention Facility has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

16. Respondent Ernesto Santacruz Jr is sued in his official capacity as the Acting Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has authority to release him.

17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible

for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

18. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

EXHAUSTION OF REMEDIES

19. Petitioner has exhausted all administrative remedies available to him. He is currently detained at the Adelanto Detention Facility under the custody of U.S. Immigration and Customs Enforcement ("ICE"). After his arrest, Petitioner sought release from custody through a bond request, which was denied by an Immigration Judge on November 21, 2025.

20. No further administrative process exists to challenge his ongoing detention or to obtain the relief sought. Petitioner does not challenge the discretionary denial of bond itself but rather the legality of his continued detention without a meaningful opportunity for release. Accordingly, the filing of this habeas corpus petition under 28 U.S.C. § 2241 is proper. *See Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

STATEMENT OF FACTS

21. Petitioner is a 43-year-old citizen of Mexico. [*See* Exhibit A: "Birth Certificate for Petitioner Carlos Enrique Espada Hernandez"].

22. Petitioner has resided continuously and permanently in the United States since approximately the year 1999.

23. Respondent has had limited encounters with law enforcement. On April 8, 2004, he was arrested by the Los Angeles Police Department (LAPD) for obstructing a public officer, and on October 3, 2010, he was arrested for threatening a crime with intent to terrorize. More recently, on March 5, 2024, LAPD arrested him for driving under the influence (DUI). On March 27, 2024, the Superior Court of California, County of Los Angeles, convicted Mr. Espada of DUI and sentenced him to 30 days in jail, which he completed without incident. Respondent's record does not support the finding that Respondent poses any danger to the community.

24. While he has prior arrests, most of these matters have not resulted in serious or violent convictions. His most recent conviction, a misdemeanor DUI from March 2024, has been fully resolved. Throughout his decades in the United States, Respondent has demonstrated long-term residence, strong family ties, and a commitment to remain law-abiding.

25. He has lived in Los Angeles for more than twenty years, maintains a stable home, and is the father of three U.S. citizen children who depend on him for their care and support. [*See* Exhibit D: "Birth Certificates for Petitioners USC Children]. His entire immediate family resides in the United States, and he has no meaningful connections remaining in Guatemala.

26. On August 26, 2025, Petitioner was taken into custody. [*See* Exhibit B: "Declaration for Petitioner Carlos Enrique Espada Hernandez].

27. Petitioner was arrested by ICE near his home without a warrant, reasonable suspicion, or probable cause. *Id.* He was driving his work truck when an unmarked vehicle abruptly pulled in front of him, forcing him to stop. *Id.*

28. Two men wearing masks that covered their faces got out of the unmarked vehicle and rushed to Petitioners window. *Id.* The men wore vests but did not have any visible badges or any identifying markers. *Id.* Petitioner was forced to step out of his vehicle and then the officers immediately put ties around his hands trying them together. *Id.*

29. The officers did not give Petitioner a chance to say anything, and they did not give him a reason for his arrest. *Id.* Without consent, the officers searched his vehicle and threw all his work equipment everywhere. *Id.* Petioners believes he was unjustly targeted for his race, as he was not given any other articulable reason for this arrest. *Id.*

30. After Petitioner was detained by U.S. Immigration and Customs Enforcement (ICE) he was transferred to Adelanto Detention Facility where he has remained for over three months, with no end in sight.

31. He is currently in removal proceedings at Adelanto Immigration Court, EOIR. He is committed to pursuing all available forms of relief from removal and has every incentive to appear for all future hearings.

32. On November 21, 2025, he was denied release from custody under bond by the Immigration Judge based on the Courts alleged "lack of authority to conduct the bond hearing." under the Board's intervening precedent in *Matter of Hurtado*, 29 I&N Dec. 2016 (BIA 2025). [*See* Exhibit C: "Order of the Immigration Judge Denying Redetermination of Custody"].

33. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under ICE policy.

LEGAL FRAMEWORK

34. The Due Process Clause requires that the deprivation of Petitioners' liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"). As the Supreme Court held in *Zadvydas*, indefinite detention, and detention without adequate procedural protections, would raise a "serious constitutional problem" and run afoul of the Due Process Clause. 533 U.S. at 690.

35. Section 1226(a) authorizes the Attorney General to arrest and detain a noncitizen "pending a decision on whether the alien is to be removed." Detention under § 1226(a) is discretionary and permits release on bond or conditional parole unless the person falls within the limited mandatory detention provisions of § 1226(c). The Ninth Circuit has held that individuals detained under § 1226(a) are entitled to individualized bond hearings where the government bears the burden to show, by clear and convincing evidence, that continued detention is justified by flight risk or danger. *Rodriguez v. Robbins*, 804 F.3d 1060, 1078 (9th Cir. 2015), vacated on other grounds, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). When detention under § 1226(a) becomes prolonged, it must remain reasonably related to its purposes of ensuring appearance and protecting the community. See *Demore v. Kim*, 538 U.S. 510, 531 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Continued detention without a final order of removal, absent these justifications, is arbitrary, excessive, and violates the Due Process Clause.

36. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The Board held that any noncitizen present in the United States without inspection or admission is subject to detention under INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), rather than § 236(a) (8 U.S.C. § 1226(a)). This interpretation treats all such noncitizens as "applicants for admission" and places them in mandatory detention without bond eligibility before immigration judges.

37. The decision overruled longstanding agency practice that classified interior arrests of noncitizens who entered without inspection under INA § 236(a) (8 U.S.C. § 1226(a)), which permits discretionary release on bond or parole. Under Yajure Hurtado, only those noncitizens who have been formally "admitted," as defined in INA § 101(a)(13)(A), retain bond eligibility.

38. The Central District of California has rejected DHS's attempt to treat interior-arrest noncitizens as mandatory detainees under § 1225(b). (*Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, TRO Order (C.D. Cal. July 28, 2025)). In *Maldonado Bautista v. Santacruz*, the court granted a Temporary Restraining Order enjoining DHS from detaining similarly situated individuals without providing an individualized § 1226(a) bond hearing, holding that DHS's reliance on § 1225(b) for interior arrests was unconvincing and inconsistent with the statutory framework. *Id.* The court concluded that individuals arrested inside the United States and detained under § 1226(a) were being unlawfully deprived of the procedural protections guaranteed by that statute, including a bond hearing before a neutral adjudicator. *Id.*

CLAIMS FOR RELIEF

COUNT ONE
Violation Of Immigration and Nationality Act, 8 U.S.C. § 1226(a)

39. Petitioner realleges and incorporates by reference the paragraphs above.

40. 8 U.S.C. § 1226(a) authorizes the Attorney General to arrest and detain a noncitizen "pending a decision on whether the alien is to be removed," but expressly permits release on bond or conditional parole. This provision governs the detention of individuals, like Petitioner, who have not been ordered removed and whose proceedings remain pending.

41. Detention under § 1226(a) must remain reasonably related to its purposes of ensuring appearance at removal proceedings and protecting the community. When those justifications no longer apply, continued custody exceeds the scope of the statute. See *Demore v. Kim*, 538 U.S. 510, 529–31 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

42. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 830 (2018), distinguished between the discretionary detention authority in § 1226(a) and the mandatory detention provisions of § 1226(c). *Jennings* held that § 1226(a) allows for release on bond or conditional parole and

does not itself impose mandatory custody. While the Court rejected the imposition of automatic, periodic bond hearings as a matter of statutory interpretation, it left open the constitutional question of whether prolonged detention without an individualized hearing violates due process. *See id.* at 851 (remanding to consider constitutional claims).

43. Subsequent courts have recognized that such prolonged detention without a hearing raises serious due process concerns. See *Hernandez-Lara v. Lyons,* 10 F.4th 19, 41 (1st Cir. 2021) (holding that due process requires the government to justify continued § 1226(a) detention by clear and convincing evidence of danger or by a preponderance of evidence of flight risk).

44. Petitioner is detained under 8 U.S.C. § 1226(a), which governs pre-final-order detention for individuals in ongoing removal proceedings. Respondents' continued detention of Petitioner without affording a bond hearing violates § 1226(a)'s plain language and structure. Detention under § 1226(a) must be justified by legitimate governmental interests, however Respondents have not demonstrated that Petitioner presents a flight risk or danger to the community, making his continued detention is arbitrary, excessive, and contrary to law.

45. Following *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025), Respondents have adopted a blanket interpretation that classifies all noncitizens who entered without inspection as subject to mandatory detention under § 1225(b), thereby denying bond eligibility to those properly detained under § 1226(a). This interpretation is inconsistent with the statute and longstanding practice, resulting in the unlawful denial of individualized bond determinations.

46. Notably, The Central District of California has rejected DHS's attempt to treat interior-arrest noncitizens as mandatory detainees under § 1225(b). (*Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, TRO Order (C.D. Cal. July 28, 2025)). In *Maldonado Bautista v. Santacruz*, the court granted a Temporary Restraining Order enjoining DHS from detaining similarly situated individuals without providing an individualized § 1226(a) bond hearing, holding that DHS's reliance on § 1225(b) for interior arrests was unconvincing and inconsistent with the

statutory framework. *Id.* The court concluded that individuals arrested inside the United States and detained under § 1226(a) were being unlawfully deprived of the procedural protections guaranteed by that statute, including a bond hearing before a neutral adjudicator. *Id.*

47. Here, Petitioner is in the same posture as the Petitioners in *Maldonado Bautista*. He was arrested in the interior and denied a bond hearing solely because DHS asserted *Matter of Hurtado*, 29 I&N Dec. 2016 (BIA 2025) applied. Under *Maldonado Bautista*, such detention is unlawful, and Petitioner is entitled to habeas relief directing the government to provide a prompt § 1226(a) bond hearing or order his release.

48. Petitioner has strong family and community ties in the United States. He has lived in this country for more than two decades and has built his home and family in Los Angeles, where he provides care and support for his U.S. citizen children. He remains active in his community and has demonstrated long-term stability and responsibility. Petitioner has one recent misdemeanor DUI conviction, which does not render him a danger to the community and does not place him within the mandatory-detention provisions of § 1226(c). Because he is detained under § 1226(a), the statute entitles him to seek release on bond based on an individualized determination. Respondents' continued refusal to provide such a hearing is inconsistent with § 1226(a)'s discretionary framework and exceeds the limited detention authority granted by Congress.

49. Accordingly, the Court should declare that Respondents lack statutory authority to detain Petitioner under § 1226(a) without providing a constitutionally adequate bond hearing and should order either (1) a prompt bond hearing before an Immigration Judge at which the government bears the burden of proof, or (2) Petitioner's release from custody pursuant to 28 U.S.C. § 2241.

/

COUNT TWO
Violation of Fifth Amendment Due Process Clause

50. The allegations in the above paragraphs are realleged and incorporated herein.

51. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. Id.; *Demore v. Kim*, 538 U.S. 510, 514–15, 528 (2003). Courts have further held that prolonged detention under 8 U.S.C. § 1226(a) implicates due process and requires the government to justify continued confinement at a meaningful bond hearing. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (requiring the government to prove danger by clear and convincing evidence or flight risk by a preponderance of the evidence).

52. The due process concerns identified in *Maldonado Bautista v. Santacruz* further demonstrate that Respondent's continued detention without a bond hearing is unconstitutional. In granting the TRO, the court found that DHS's misapplication of § 1225 deprived interior-arrest noncitizens of the legal protections guaranteed under § 1226(a), raising "serious question[s]" as to whether DHS had permissibly altered its detention practices to withhold statutory and constitutional safeguards. TRO Order at 5–7. The court emphasized that continued detention under an unlawful policy serves "neither equity nor the public interest," and "potentially arbitrarily violates .... due process rights." *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir.

2022); *see also Xuyue Zhang v. Barr*, 612 F. Supp. 3d 1005, 1017 (C.D. Cal.) (public interest is implicated whenever constitutional rights are denied). As in *Maldonado Bautista*, Respondent's detention under the incorrect statutory framework deprives him of the procedural protections mandated by § 1226(a), rendering his continued detention fundamentally inconsistent with the Fifth Amendment. This concern is heightened because Respondent was previously denied a bond hearing based on *Matter of Yajure-Hurtado*, which relied on the same misapplication of § 1225(b) that the district court rejected.

53. First, Petitioner does not pose a danger to the community. Petitioner has lived in the United States for more than twenty years and has built deep and longstanding ties to his family and community in Los Angeles. He is the father of U.S. citizen children who rely on him for their care and support, and he has consistently demonstrated stability, responsibility, and a strong work ethic. Although Petitioner has a misdemeanor DUI conviction from March 2024, this conviction does not render him a danger to the community and does not place him within the mandatory-detention provisions of § 1226(c). His prior arrests are outdated, nonviolent, and do not suggest any present risk. He has been a member of his church for over 3 years. He attends serves with his wife and three children. [*See* Exhibit E: "Letters of Support for Petitioner Carlos Enrique Espada Hernandez"] Overall, Petitioner's history reflects long-term residence, meaningful community integration, and a demonstrated commitment to complying with legal obligations.

54. Second, Petitioner does not pose a risk of flight. He has lived in Los Angeles for over two decades, maintains a stable residence, and has an extensive network of family members who remain in the United States. He is represented by counsel in his immigration proceedings and is actively pursuing all available avenues of relief, underscoring his intention to remain engaged with the immigration court process. Prior to his detention, Petitioner worked regularly to support his family, and his U.S. citizen children depend on him both financially

and emotionally. These strong ties establish that Petitioner has every incentive to appear for all future hearings and will comply with any conditions of release set by the Court or an Immigration Judge.

55. For these reasons, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and he must be immediately released. The Court should order Respondents to provide Petitioner with a prompt and constitutionally adequate bond hearing before an Immigration Judge, at which the Government bears the burden of demonstrating flight risk or danger.

COUNT FOUR
Request for Attorney's Fees Under the Equal Access to Justice Act

56. If he prevails, Petitioner requests attorney's fees and costs in the amount of $5,000 under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter.

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

(3) Declare that Petitioners' detention violates the Immigration and Nationality Act and Due Process Clause of the Fifth Amendment.

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.

(5) Enjoin Respondents from further unlawfully detaining Petitioner.

(6) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody.

(7) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision.

(8) In the alternative, grant a writ of habeas corpus ordering Respondents to provide Petitioner with a prompt and individualized bond determination hearing pursuant to 8 U.S.C. § 1226(a), before a neutral Immigration Judge, at which the Government bears the burden of proving that Petitioner is a danger to the community by clear and convincing evidence or a flight risk by a preponderance of the evidence.

(9) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and

(10) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Carlos Enrique Espada Hernandez

Dated: December 01, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Carlos Enrique Espada Hernandez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 01 day of December 2025.

/s/Alfonso Morales
Alfonso Morales, Esq.
Attorney for Carlos Enrique Espada Hernandez

INDEX IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

CARLOS ENRIQUE ESPADA HERNANDEZ

EXHIBIT	DESCRIPTION
A	COPY OF BIRTH CERTIFICATE WITH ENGLISH TRANSLATION OF PETITIONER CARLOS ENRIQUE ESPADA HERNANDEZ
B	COPY OF DECLARATION OF PETITIONER CARLOS ENRIQUE ESPADA HERNANDEZ
C	COPY OF ORDER OF THE IMMIGRATION JUDGE DENYING REDETERMINATION OF CUSTODY
D	COPY OF BIRTH CERTIFICATES FOR PETITIONER'S CARLOS ENRIQUE ESPADA HERNANDEZ USC CHILDREN
E	COPY OF LETTERS OF SUPPORT FOR PETITIONER CARLOS ENRIQUE ESPADA HERNANDEZ

EXHIBIT B

English Translation of Declaration from Carlos Enrique Espada Hernandez

My name is Carlos Enrique Espada Hernandez, and I am currently detained at ADELANTO DETENTION FACILITY in Adelanto, CA. On August 26, 2025, around 7:15 A.M., I was unlawfully detained and arrested by ICE agents around the corner of my house on [redacted] without a warrant, reasonable suspicion or probable cause.

I am a commercial painter and a co-owner for a cleaning and maintenance business. The morning I was detained, I was driving my work truck and an unmarked vehicle forced itself in front of my car making me come to a full stop. Two men then got out that car and rushed to my window. These men were wearing masks covering their faces and they had sunglasses on. They also wore vests without any visible badges or anything to identify who they work for. They made me step out of my vehicle and quickly put zip ties around my hands tying them together.

They did not give me a chance to say anything, nor did these people read my rights or even explain to me why I was being detained. They searched my vehicle without consent and threw all my work equipment around and made a mess of my things. My vehicle was impounded by the Los Angeles Police Department since they did not give me a chance to call someone to pick it up.

ICE agents targeted me based on my race and appearance because the ICE agents came out of an unmarked vehicle without identifying who they were and without telling me the reason for my arrest. The ICE agents did not inform me of my legal rights at the time of the encounter. I was not engaged in any unlawful activity at the time of my arrest, nor was there any reason for ICE to suspect me of violating immigration laws.

I, Carlos Enrique Espada Hernandez, declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

_____ _____

Carlos Enrique Espada Hernandez Date

TRANSLATOR STATEMENT

I, Paulina Tamayo, ATTEST TO MY COMPETENCY TO TRANSLATE FROM SPANISH TO ENGLISH. I CERTIFY THAT THIS IS A COMPLETE AND ACCURATE ENGLISH TRANSLATION OF ALL INFORMATION OF THIS DECLARATION FROM THE SPANISH ORIGINAL.

Paulina Tamayo, Legal Assistant

09/22/2025

DATE

Declaración de Carlos Enrique Espada Hernández

Mi nombre es Carlos Enrique Espada Hernández y actualmente me encuentro detenido en el Centro de Detención de Adelanto, California. El 26 de agosto de 2025, alrededor de las 7:15 a. m., fui detenido ilegalmente y arrestado por agentes de ICE en la esquina de mi casa en la calle Drew en Los Ángeles sin orden judicial, sospecha razonable ni causa probable.

Soy pintor comercial y copropietario de una empresa de limpieza y mantenimiento. La mañana de mi detención, conducía mi camioneta de trabajo cuando un vehículo sin identificación se coló frente a mi auto, lo que me obligó a detenerme por completo. Dos hombres salieron del auto, corrieron a mi ventana. Estos hombres llevaban máscaras que les cubrían el rostro y gafas de sol. También llevaban chalecos sin placas visibles ni nada que identificara para quién trabajaban. Me hicieron bajar de mi vehículo y rápidamente me ataron las manos con bridas.

No me dieron la oportunidad de decir nada, ni me leyeron mis derechos ni me explicaron por qué me detenían. Registraron mi vehículo sin mi consentimiento, tiraron todo mi equipo de trabajo y desordenaron mis cosas. El Departamento de Policía de Los Ángeles incautó mi vehículo porque no me dieron la oportunidad de llamar a alguien para que lo recogiera.

Los agentes de ICE me atacaron por mi raza y apariencia, ya que bajaron de un vehículo sin identificación y sin identificarme ni decirme el motivo de mi arresto. No me informaron sobre mis derechos legales en el momento del arresto. No estaba involucrado en ninguna actividad ilegal al momento de mi arresto, ni había ninguna razón para que ICE sospechara que yo violara las leyes de inmigración.

Yo, Carlos Enrique Espada Hernández, declaro bajo pena de perjurio, de conformidad con las leyes de los Estados Unidos de América, que lo anterior es verdadero y correcto según mi leal saber y entender.

This declaration was prepared by declarant for Petitioner based on a telephonic conversation with Petitioner, who is currently detained and unable to sign in person. Petitioner has reviewed the contents orally and affirmed their truth to the best of his knowledge.

Respectfully submitted,

/s/ Paulina Tamayo

Paulina Tamayo, Declarant on behalf of Carlos Enrique Espada Hernández, Petitioner

EXHIBIT C

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:
ESPADA HERNANDEZ, CARLOS ENRIQUE

To:
Morales, Alfonso
8131 ROSECRANS AVE
SUITE 200
PARAMOUNT, CA 90723

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
11/21/2025

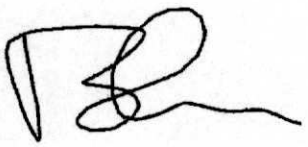
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because
Court is without jurisdiction to entertain a bond. Respondent is an applicant for admission charged under INA 212(a)(6)(A)(i) and has been detained 87 days. See Matter of Hurtado, 29 I&N Dec. 2016 (BIA 2025).

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:



Immigration Judge: DePowell, Bryan 11/21/2025

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

Appeal Due: 12/22/2025

Certificate of Service

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Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : ESPADA HERNANDEZ, CARLOS ENRIQUE | A-Number : [redacted]
Riders:
Date: 11/21/2025 By: HILTON-CHAMBERLAIN, AMANDA, Court Staff

EXHIBIT E

September 8 ,2025

To whom it may concern,

I, [redacted] Espada am writing this letter in regard to my father Carlos Enrique Espada Hernandez. My father is a great person and very respectful and responsible. He has taught me many things for example driving a car and learning how to work in many places. My father has taught us about god and always has taken us to service.

My dad has always been great to us. He has always been there for us. I love my dad and I am trying to see him back home again soon

[redacted] Espada

September 8, 2025

To whom it may concern,

I, [redacted] Espada, am writing this letter in regards to my father Carlos Enrique Espada Hernandez. He has always been a great dad, and has supported me throughout my life. He's a very great role model and very inspirational to me.

He has taught me things such as playing an instrument, taught me how to cook basic things, mannerisms, and more. He cares about me and my family very much and shows his affection for us. I love my father very much and deeply miss him.

He certainly has given me a lot of influence about the good ways of life and how I should never do anything bad. He is a very kind, respectful, caring, and loving father.

Best regards,

[redacted] Espada

September 6, 2025

To whom it may concern,

I, [redacted] Espada, am writing this letter as Carlos Enrique Espada Hernandez' oldest son to talk about how important my father has been to me in my life. Growing up, I have always seen him very dedicated to his job, always finding a way to provide for family. Not only is he dedicated to a job, but he is also a very caring father. He has always made sure that we, his family, are never missing anything. He has shown the right and wrong paths in life and the importance to value the life we have been given.

Apart from showing us family values, my father is a very christian centered person. Since I was young, he has taken me and my brothers to church. Not only taking us but showing us a righteous way to live. He has gone far and beyond to show us how to play instruments and be part of the church band. If it weren't for his determination to see us practice and learn, perhaps we wouldn't know what we know now. At church, my father is always involved in any event that might be taking place. Whether it be helping out with labor, or even helping out monetarily. All the brothers and sisters at church know him to be a very dedicated and hard working man for both his family and church

So to finish this letter, My father has done many good things during my life that I've known. A hardworker, loving, and passionate man. Truly a family man. A man like this does not deserve to be separated from his family. He is a person anyone can count on.

Yours Truly,

[redacted] Espada

08/26/2025

Iglesia Profetica Congregacion En El Desierto

147 S East End Ave. Pomona, CA 91766

RE: Reference Letter for Carlos Espada

To Whom It May Concern:

I Jose Eliseo Fagoada, Pastor at Iglesia Profetica Congregacion En El Desierto am writing this reference letter for Carlos Espada. Carlos has been a member of our church for 3 years now. He attends services along with his wife and 3 sons. His 3 sons are part of our worship group and have always attended our events, services, and any areas where it is needed. I can certainly state that they are of strong support for our church and the community.

If there are any further questions or concerns please feel free to reach out to me.

Sincerely,

Pastor Jose Eliseo Fagoada

IGLESIA PROFETICA
Congregacion en el desierto
147 S. East End
Pomona, CA 91766

September 5,2025

To whom it may concern,

I, Yesenia Ibarra am writing this character letter in regards to Carlos Enriquez Espada Hernandez. I have known Carlos for about 3 years. He and his family attend the same church, Iglesia Profetica Congregacion En El Desierto, and is the place where we met.

Carlos has been of great help to our community. He is a very responsible hardworking person. He's active at church along with his wife and sons. They are a united family that is always willing to go above and beyond with helping others or in any way they can be of help they like to do so.

Carlos has always been respectful since day one. I can say that he is a very kind and upstanding individual. If you have any further questions or concerns please feel free to reach me at [redacted].

Best Regards,

Yesenia Ibarra

MINISTERIOS EL TABERNACULO CASA DE DIOS

Ministerios el Tabernáculo
Casa de Dios

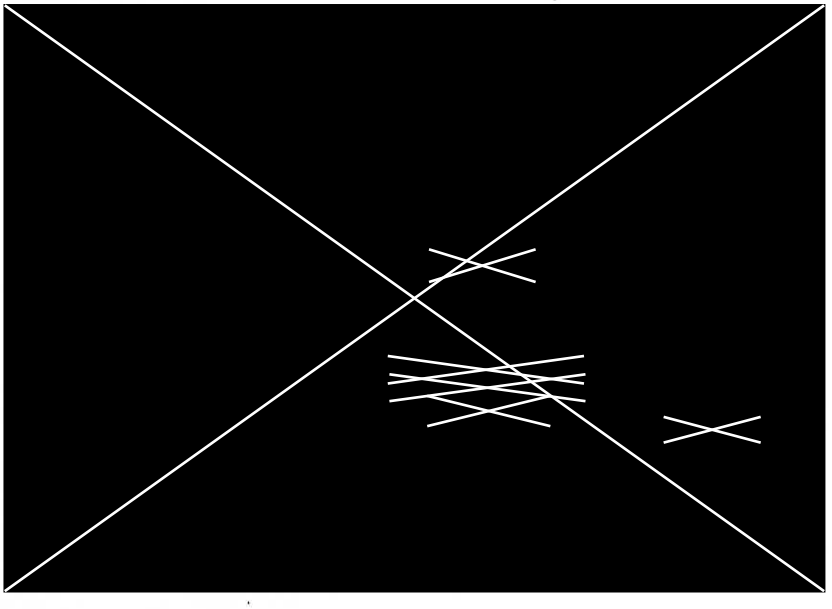
Pastor Julio S. and María M. Llarena
1025 W Washington Blvd Los Ángeles, CA 90015

September 7, 2025

To Whom It May Concern,

My name is Julio Llarena, Senior Pastor at Ministerios el Tabernaculo Casa de Dios. I am writing this letter to give reference in regards to Carlos Enrique Espada Hernandez. I have known Mr. Espada and his family for over 10 years, in the time I have known him he has demonstrated to be a man of integrity, with good character. He has become a great support to many individuals in his congregation, offering a hand of service and always being attentive to those who are in need. He has developed his knowledge of our faith, remaining consistent in his services, fellowship groups, and other events at his church. He continues to be an integral part of the ministry with his family. His testimony has demonstrated him to be a man of courage, honesty, and compassion. He is a good father and a great example of perseverance, he has worked hard for many years for his family. His presence in the lives of his family is tremendously important.

It is a pleasure to write this letter on behalf of Carlos Enrique Espada Hernandez. If you need to contact me please feel free to connect with me [redacted]



Sincerely,

Sr. Pastor: Julio S. Llarena

Ministerios Iglesia de Dios

Puerta Del Cielo

1162 E Holt Ave

Pomona Ca 91767

September 21, 2025

To whom it may concern:

The ministry, Iglesia de Dios Puerta Del Cielo, located in Pomona, California would like to write in support of our good friend Mr. Carlos Espada. Pastors Jose Simeon Fagoada and Endy Hernandez have known Mr. Espada for a couple of years and give testimony of his good character and respectful behavior. He supports his family financial, attends church regularly and has brought up his children in the fear of the Lord. His children play instruments in our fellow church Congregacion en el Desierto also located in Pomona.

As a community we would like Mr. Espada to be reunited with his family and to be given the opportunity to pursue a visa to work in California. He has been a valued contributor to our community thus far and we hope he continues to do so.

Sincerely,

AFFIDAVIT OF PERSONAL KNOWLEDGE

I, **Felix Manuel Torres**, of legal age, US Citizen, residing [redacted]. 90640, after being duly sworn, state the following:

1. I personally know **Carlos Espada**. I have known him for approximately 6 years; I am his tax preparer.
2. I affirm that **Carlos Espada** is a devoted husband and father who provides essential emotional and family support to his family.
3. If Carlos Espada were to be deported from the United States, it would cause serious hardship and devastating consequences to his wife and children, including but not limited to:
   - Severe emotional distress for the minor child who depends on his father's presence and care.
   - Practical hardship for the wife, who relies on his husband's support in maintaining their household.
   - Disruption of family unity, stability, and the wellbeing of their children.
4. I provide this affidavit in good faith to attest to the importance of **Carlos Espada** remaining in the United States with his wife and children.
5. Throughout these years, I have found him to be very honest and a person of good moral character. I do not hesitate to provide this letter on his behalf. If there is any additional information regarding Carlos Espada, please contact me at your convenience: [redacted]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Signature: _____
Printed Name: Felix Manuel Torres
Date: 09/16//2025

[redacted]

September 11, 2025

To whom it may concern;

I am writing on behalf of Carlos Enrique Espada Hernandez. I have known Carlos and his family for over twenty years and I know him to be an honest, hard-working, family man.

I have been friends with Carlos's mother for many years and our families became very close when we lived in Los Angeles. His oldest son, [redacted], was born shortly before my youngest son and the two boys often played together.

Carlos has a beautiful family; wife Elvia and three boys, [redacted], [redacted] and [redacted]. It is my sincere hope that Carlos might be offered the opportunity to seek legal residence in the United State of America so that he and his family can continue to be useful members of the Los Angeles community without fear of being returned to a country which he left as a child and no longer calls home.

Sincerely,

[redacted]

[redacted]

Los Angeles September 18, 2025

With my greatest consideration and respect;

I am granting this letter of recommendation to whomever it may concern.

I, Jonny Mauro Pita Murrugarra, residing at [redacted] 91331. I fully endorse my recommendation; with all the support Mr. Carlos Enrique Espada Hernandez deserves. I have known him for many years, to be more precise, since June 19, 2017.

The current address is [redacted]. His wife and children also live there.
Mr. Carlos Enrique Espada Hernandez has been dedicated to painting and cleaning services for many years.

Myself and all the clients he has worked for can attest to the work he performs with impeccable integrity. Not only that, but it is also an example of self-improvement for
our country, the states of North America, given that currently, with the support of his
son, Carlos Enrique Espada Hernández and his son, [redacted] Espada, have started a business. The business is called JIREH CLEANING MAINTENANCE, which demonstrates the desire to improve in a simple way to move forward and pursue a good future in every sense, as a father, as a person, as a husband, and as a human being. Because of my knowledge of Mr. Carlos Enrique Espada Hernandez, I can confidently guarantee that he is an honest person with good principles, who over time has earned not only my trust but also that of his clients and everyone around him.

I hope this will be taken into account when making decisions and, if appropriate, granting you your immigration documents.

I authorize Mr. Carlos Enrique Espada Hernandez to use this document in my name for any purpose required.

I leave my contact information to answer any questions and/or clarify any concerns regarding this letter of recommendation.

Thank you,

[redacted]

P.D.I attach a copy of my license, front and back,total of three pages.