

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ROGELIO BOLUFE IZQUIERDO,
Petitioner,

v.
Civ. No. 25-1304 JB/SCY

MELISSA ORTIZ, Warden,
TORRANCE COUNTY DETENTION FACILITY, et al.,
Respondents.

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FEB 09 2026

MITCHELL R. ELFERS
CLERK

PETITIONER'S OBJECTIONS TO PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

Petitioner, **Rogelio Bolufe Izquierdo**, through his authorized next friend, **Haymel de la Vega**, respectfully submits the following objections to the Proposed Findings and Recommended Disposition entered on February 4, 2026.

I. Objection to the finding that Petitioner received a meaningful bond hearing

The Magistrate Judge concluded that Petitioner's claim regarding the lack of a bond hearing is moot because he allegedly received a custody redetermination hearing on September 30, 2025.

However, in reality, **no meaningful or completed bond hearing ever occurred.**

The scheduled bond proceeding was never concluded. The Immigration Judge did not issue a final custody determination. Instead, the proceeding was effectively converted into an asylum-related hearing without a clear explanation to the Petitioner. The petitioner did not understand the reason for the change and was never provided with a final decision regarding the bond.

During the scheduled bond hearing, the Immigration Judge asked whether Petitioner had submitted his supporting documents. Petitioner responded that he had submitted them “por mail,” referring to institutional mail. However, the interpreter incorrectly translated this as “by email.” The Immigration Judge stated that filings could not be submitted by email, and the hearing did not proceed as a bond determination. The proceeding was then converted into an asylum-related hearing without a final custody decision. As a result, no bond ruling was ever issued.

As a result:

- No completed bond adjudication occurred.
- No final custody determination was issued.
- Petitioner has recently submitted a new request for a bond hearing, which has not yet been docketed.

A copy of the signed bond request is attached as Exhibit 3.

Because Petitioner has never received a meaningful bond determination, the claim is not moot, and this Court retains jurisdiction to address the legality of his continued detention.

II. Objection regarding prolonged detention

Petitioner has been continuously detained by Immigration and Customs Enforcement since **August 18, 2025**.

The detention is based in part on an alleged criminal charge in Miami for possession of cocaine. However, that criminal case was **closed by nolle prosequi**, meaning the prosecution was abandoned and the case was dismissed.

Proof of the nolle prosequi disposition is attached as Exhibit 2.

This critical fact was not considered in the detention analysis and materially affects any determination of danger to the community or flight risk.

Petitioner’s continued detention is further unjustified where the only referenced criminal charge was dismissed by nolle prosequi, and no finding of danger or flight risk has ever been made after a completed bond hearing.

At the time of his arrest, Petitioner also had a pending application for adjustment of status under the Cuban Adjustment Act. He had already attended his immigration interview and completed

biometrics, and was awaiting a final decision on his application. This demonstrates that Petitioner had a viable legal pathway to lawful permanent residence and was actively complying with immigration procedures at the time of his detention.

A copy of the USCIS biometrics notice for Petitioner's pending adjustment application is attached as Exhibit 5.

Continued detention without a meaningful custody determination under these circumstances raises serious constitutional concerns.

III. Objection regarding lack of access to key evidence (Form I-213)

The government relied on a Form I-213 attached to the habeas filings.

However:

- Petitioner never received a copy of this document.
- It was never disclosed to him during his asylum proceedings.
- It was never introduced into evidence in a manner that allowed him to review or challenge it.
- Petitioner had no meaningful opportunity to contest the allegations contained within it.

The use of undisclosed evidence against a detained noncitizen constitutes a serious violation of due process and undermines the fairness of the underlying proceedings.

A copy of the Form I-213 produced by Respondents in this habeas case is attached as Exhibit 4.

Notably, the Form I-213 itself identifies Petitioner as a native and citizen of Cuba, while the Immigration Judge later ordered removal to Ecuador, demonstrating material inconsistencies in the record that Petitioner never had the opportunity to challenge.

IV. Objection regarding erroneous removal designation

Petitioner is a **native and citizen of Cuba**.

However, the Immigration Judge ordered removal to **Ecuador**, without a lawful or factual basis in the record.

This material inconsistency reflects serious procedural irregularities and calls into question the reliability and legality of the removal order.

A copy of Petitioner's Cuban passport is attached as Exhibit 1.

Because Petitioner's appeal before the Board of Immigration Appeals remains pending, these due process violations are still active and directly affect the legality of his continued detention.

V. Objection regarding conditions affecting access to the court

Although the Magistrate Judge concluded that conditions-of-confinement claims are not cognizable in habeas, Petitioner's allegations go beyond general conditions.

Petitioner has alleged:

- Interference with legal mail
- Lack of access to legal materials
- Lack of access to evidence
- Physical and psychological harm affecting his ability to litigate

These conditions directly impact his **ability to access the courts** and to meaningfully challenge his detention. Such interference is relevant to the habeas inquiry and should not have been dismissed without further factual development.

Petitioner further notes that, consistent with the Magistrate Judge's observation, a separate civil rights complaint regarding conditions of confinement at Torrance County Detention Facility has already been filed and docketed in federal court. These objections are not intended to relitigate those claims, but to clarify that the conditions described directly affected Petitioner's access to the courts and ability to pursue habeas relief.

VI. Conclusion

For the reasons stated above, Petitioner respectfully requests that this Court:

1. Reject the Proposed Findings and Recommended Disposition;
2. Deny Respondents' Motion to Dismiss;
3. Grant appropriate habeas relief; and
4. Order a prompt and meaningful bond hearing, or such other relief as the Court deems just and proper.

Respectfully submitted,

Rogelio Bolufe Izquierdo

Petitioner, pro se

A 

Torrance County Detention Facility

Through next friend:



Haymel de la Vega

Next Friend



Miami, fl 33126



hdelavega@ejmininsurance.com

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FOR THE DISTRICT OF NEW MEXICO

ROGELIO BOLUFE IZQUIERDO,
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v.
Civ. No. 25-1304 JB/SCY

MELISSA ORTIZ, Warden,
TORRANCE COUNTY DETENTION FACILITY, et al.,
Respondents.

EXHIBIT LIST

(Petitioner's Objections to Proposed Findings and Recommended Disposition)

Petitioner, through his next friend, respectfully submits the following exhibits in support of his Objections:

Exhibit 1
Copy of Cuban Passport of Petitioner (biographic page)

Exhibit 2
Certified disposition showing nolle prosequi of Miami criminal charge

Exhibit 3
Signed Renewed Request for Individualized Bond Review (not yet docketed)

Exhibit 4
Form I-213 produced by Respondents in this habeas case

Exhibit 5
USCIS biometrics notice for pending I-485 adjustment application

Respectfully submitted,

Rogelio Bolufe Izquierdo

Petitioner, pro se

A [REDACTED]

Torrance County Detention Facility

Through next friend:



Haymel de la Vega

Next Friend for Petitioner

[REDACTED]

miami, fl 33126

[REDACTED]

hdelavega@ejmininsurance.com

PROOF OF SERVICE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROGELIO BOLUFE IZQUIERDO,
Petitioner,

v.
Civ. No. 25-1304 JB/SCY

MELISSA ORTIZ, Warden,
TORRANCE COUNTY DETENTION FACILITY, et al.,
Respondents.

PROOF OF SERVICE

I, **Haymel de la Vega**, acting as next friend for Petitioner Rogelio Bolufe Izquierdo, hereby certify that a true and correct copy of the following document:

Petitioner's Objections to Proposed Findings and Recommended Disposition,
together with the attached exhibits,

was served on the following party on this ____ day of February, 2026, by U.S. Mail:

Clerk of courts

Us DISTRICT OF NEW MEXICO

333 LOMAS BLVD NW

SUITE 270

ALBUQUERQUE, NM 87102

I declare under penalty of perjury that the foregoing is true and correct.

Date: 2/5/2026

Place: ~~_____~~

MIAMI FL 33126

Respectfully submitted,



Haymel de la Vega

Next Friend for Petitioner

~~_____~~
miami, fl 33126

~~_____~~
hdelavega@ejminsurace.com

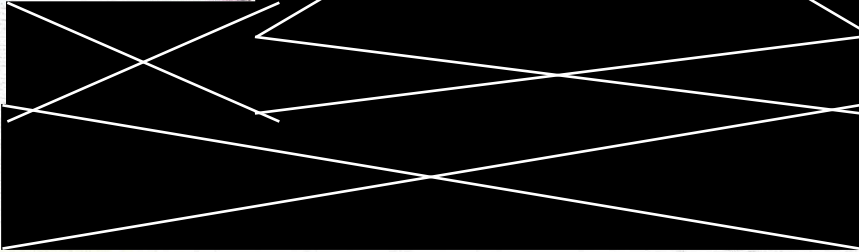
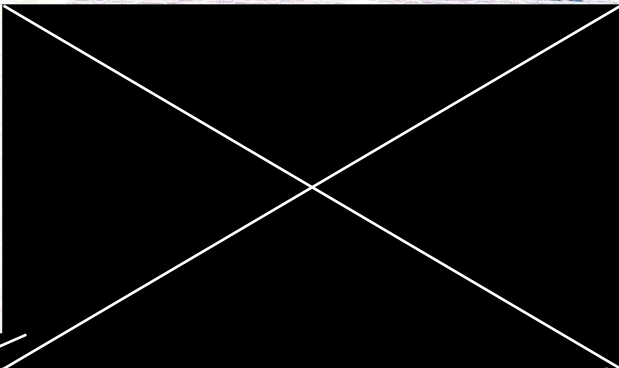
OBSERVACIONES
REMARKS



1

PASAPORTE

REPÚBLICA DE CUBA



IN THE CIRCUIT AND COUNTY COURTS OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR MIAMI-DADE COUNTY

I, JUAN FERNANDEZ-BARQUIN CLERK CIRCUIT AND COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY, DO HEREBY CERTIFY THAT A DILIGENT EXAMINATION OF THE FELONY, MISDEMEANOR AND NON CRIMINAL VIOLATION FILES AND RECORDS IN MY OFFICE REGARDING:

NAME: ENRIQUEBOLUFE, ROGELIO
DATE OF BIRTH: XXXXXXXXXX
RACE: WHITE SEX: MALE
YEARS RESEARCHED: 2000 - 2025

INDICATES THE FOLLOWING:

CITATION/ ARREST / FILE DATE/ CASE NUMBER	ARST DEPT	CHARGES	DISPOSITION	DISPO DATE

ENRIQUEBOLUFE, ROGELIO F25017796	08/17/2025	COCAINE/POSSESSION	NOLLE PROS	09/17/2025
HIALEAH				

PURSUANT TO FLORIDA RULES OF COURT, RULE 2.430, COURT RECORDS THAT ARE NOT PERMANENTLY RECORDED MAY BE UNAVAILABLE, OR DISPOSED OF BY THE CLERK, IN ACCORDANCE WITH THE APPLICABLE RETENTION SCHEDULE REQUIRED BY SAID RULE. (10 YEARS FOR FELONY, MISDEMEANOR AND CRIMINAL TRAFFIC VIOLATIONS IN WHICH THE DEFENDANT WAS ADJUDICATED NOT GUILTY). PLEASE SEE FLORIDA RULES OF COURT, RULE 2.430, FOR A COMPLETE LISTING OF RECORDS RETENTION REQUIREMENTS.

WITNESS MY HAND AND THE SEAL OF THE COURT AT MIAMI, MIAMI-DADE COUNTY, FLORIDA, THIS 24 DAY OF SEPTEMBER, 2025.

JUAN FERNANDEZ-BARQUIN CLERK
CIRCUIT AND COUNTY COURTS
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

PAGE: 001

BY:


Darlisa Stephens
DEPUTY CLERK

Deputy Clerk of the Circuit Court
of the Eleventh Judicial Circuit

IMMIGRATION COURT

ESTANCIA, NEW MEXICO

(Torrance County Detention Center)

In the Matter of:
ROGELIO BOLUFE IZQUIERDO

A 

RENEWED REQUEST FOR INDIVIDUALIZED BOND REVIEW

PURSUANT TO INA § 236(a)

(Filed to Preserve Exhaustion and Due Process Rights)

I. INTRODUCTION

Respondent, **Rogelio Bolufe Izquierdo** (A ) a civil immigration detainee currently held at **Torrance County Detention Center**, respectfully submits this **renewed request** for an **individualized bond hearing** pursuant to INA § 236(a).

This request is filed to obtain a meaningful custody determination and to ensure that all available administrative remedies are fully exhausted.

II. JURISDICTION

The Immigration Judge retains jurisdiction to review Respondent's custody under INA § 236, as Respondent is **bond-eligible** and no finding of mandatory detention under INA § 235(b) has been made.

In prior custody proceedings, the Immigration Judge issued a designation of "**no action**," rather than a denial of bond. Because bond was not denied, **custody review remains available**, and this renewed request seeks a clear and individualized determination.

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III. FACTUAL BACKGROUND

1. Respondent is a civil immigration detainee with no criminal sentence.
2. Respondent has been detained for a prolonged period at Torrance County Detention Center.
3. To date, no Immigration Judge has issued written findings addressing:
 - o whether Respondent poses a danger to the community, or
 - o whether Respondent presents a risk of flight.
4. Respondent remains detained without an individualized bond determination despite eligibility for review under INA § 236(a).

IV. LEGAL STANDARD

Civil immigration detention must remain **regulatory, not punitive**. Prolonged detention without an individualized custody determination raises serious **due process concerns under the Fifth Amendment**.

At a bond hearing under **INA § 236(a)**, the Immigration Judge must consider:

- danger to the community, and
- risk of flight,

based on the individual facts of the case.

V. REQUEST FOR RELIEF

Respondent respectfully requests that the Immigration Court:

1. **Calendar an individualized bond hearing** at the earliest possible date; **or**
2. Issue a **written order granting or denying bond**, with specific findings.

This request is made to obtain a meaningful custody determination and to allow for appropriate judicial review if necessary.

VI. PRESERVATION OF RIGHTS

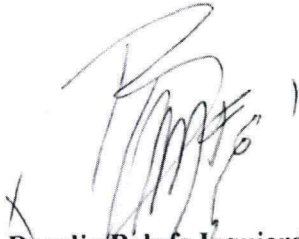
Respondent expressly preserves all statutory and constitutional rights, including the right to seek **federal habeas corpus relief** should administrative remedies prove ineffective, unavailable, or result in continued prolonged detention without adequate process.

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VII. CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Immigration Court conduct an individualized bond review without further delay.

Respectfully submitted,



Rogelio Bolufe Izquierdo

A

Torrance County Detention Center
Estancia, New Mexico

[Date]

Uploaded on: 09/09/2025 25:14:17 (02 AM Mountain Daylight Time) Base City: OTT
 Case 1:25-cv-01304-JB-SC Document 13 Filed 02/09/26 Page 1 of 4

Allegations: Admits 1-3; Denies 4 (4 True) | Charges: Sustains All;
 Designated Country: CUBA |

DEPARTMENT OF HOMELAND SECURITY
 NOTICE TO APPEAR

DOB: [REDACTED] 1982

Event No: [REDACTED]

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

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: ROGELIO ENRIQUE BOLUFE IZQUIERDO AKA: See Continuation Page Made a Part Hereof currently residing at:

Torrance County Detention Facility 209 County Road AO49, Estancia, NM 87016

505-384-2711

(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 CUBA and a citizen of CUBA;
3. You were admitted to the United States at MIAMI, FL on or about January 22, 2020 as a B2 VISITOR with authorization to remain in the United States for a temporary period not to exceed July 21, 2020;
4. You remained in the United States beyond July 21, 2020; without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

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 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

- ☐ 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:

Otero County Processing Center 26 McGregor Range Rd. Chaparral, NM 88081

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

on 9/23/2025 at 8:30 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

R 1566 ESPARZA - SDDO

(Signature and Title of Issuing Officer)

Date: September 9, 2025

Albuquerque, NM

(City and State)

EOIR - 1 of 4

Allegations: Admits 1-3; Denies 4 (4 True) | Charges: Sustains All
Designated Country: CUBA

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 September 9, 2025, 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.

(Signature of Respondent if Personally Served)

PG11222 GLASER - Deportation
Officer

(Signature and Title of officer)

Uploaded on: 09/09/2025 at 11:17 AM (UTC-7 in Daylight Time) Base City: GTO
 Case 1:23-cv-01304-JB-SCT Document 13 Filed 01/13/26 Page 3 of 4

Allegations: Admits 1-3; Denies 4 (4 True) | Charges: Sustains All;
 Designated Country: CUBA | 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-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.

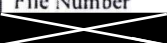
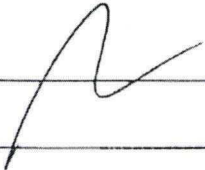
Uploaded on: 09/09/2025 at 11:17:02 AM (Mountain Daylight Time) Base City: QTO
Case 1:25-cv-01304-JB-SC Document 15 Filed 02/09/26 Page 4 of 4

Allegations: Admits 1-3; Denies 4 (4 True) | Charges: Sustains All;

Designated Country: CUBA |

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name BOLUFE IZQUIERDO, ROGELIO ENRIQUE	File Number  Event No: 	Date 09/09/2025
ALSO KNOWN AS ----- ENRIQUEBOLUFE, ROGELIO		
Signature R 1566 ESPARZA 		Title SDDO

EOIR - 4 of 4

4 of 4 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

Exhibit A

U.S. Department of Homeland Security

Subject ID :

Record of Deportable/Inadmissible Alien

Family Name (CAPS) BOLUFE IZQUIERDO, ROGELIO ENRIQUE		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion
Country of Citizenship CUBA	Passport Number and Country of Issue	File Number		Height 70	Weight 180	Occupation	
U.S. Address POMPANO BEACH, FLORIDA, 33073,				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 01/22/2020 Unknown Time, MIA,		Passenger Boarded at		FBI Number		☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated	
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension CA			
Date of Birth 1982	Age: 43	Date of Action 08/18/2025	Location Code KRO/MIA	At/Near See I-831	Date/Time 08/19/2025 12:22		
City, Province (State) and Country of Birth CUBA		AR ☒	Form (Type and No.) ☐ Lifted ☐ Not Lifted ☐	By J 09858 CHERENFANT			
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 NEGATIVE			Criminal Record See Narrative				
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				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed			Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	Charge Code Word(s) See Narrative		
Name and Address of (Last) Current U.S. Employer			Type of Employment	Salary	Employed from/to		
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:							
OTHER ALIASES KNOWN BY: ENRIQUEBOLUFE, ROGELIO Subject Health Status							
Current Administrative Charges 08/18/2025 - 237a1B - NONIMMIGRANT OVERSTAY							
RECORDS CHECKED AFIS Pos NCIC Pos							
AT/NEAR ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				MARC PARKER DEPORTATION OFFICER (Signature and Title of Immigration Officer)			
Distribution CAP DETAINED			Received (Subject and Documents) (Report of Interview) Officer: MARC PARKER on August 18, 2025 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: CHERENFANT, J 09858				

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

Exhibit B

ECR - 1043

Uploaded on: 11/03/2025 2:50:15 PM (System Standard Time) Base City: OTT
 Case 1:25-cv-01304-JB-SC Document 13-2 Filed 01/13/26 Page 2 of 3

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name BOLUFE IZQUIERDO, ROGELIO ENRIQUE	File Number [REDACTED] Event No: KRO2508001187	Date 08/18/2025
Miami, Florida		
Record of Deportable/Excludable Alien: -----		
ENCOUNTER: On August 18, 2025, the subject, BOLUFE IZQUIERDO, Rogelio Enrique [REDACTED] was encountered at the Dade County Correctional Center, Florida by the MIA ERO CAP Team after being arrested for COCAINE. An Immigration Detainer (I-247) was issued by Miami ERO on August 18, 2025. The case was processed on August 18, 2025, in Miramar, FL by the MIA ERO CAP Team. ENTRY AND IMMIGRATION STATUS: Subject is not a Citizen or National of the United States. Subject is a citizen and national of Cuba. Subject was admitted to the United States at Miami, FL on January 22, 2020, as an B2 VISITOR. Subject has remained in the United States longer than authorized date of July 21, 2020. Subject filed an I-485 on October 04, 2021, Pending. No other applications or petitions are pending at this time. DERIVATIVE CITIZENSHIP: Subject did not become a LPR prior to the age of 18 which is the maximum statutory age for derivation under Section 320 of the INA. Subjects Mother and father did not obtain USC either by birth or through naturalization. Subject did not derive USC from parents as he did not have qualifying USC parents prior to the statutory age of 18. SUBJECT DID NOT DERIVE USC STATUS UNDER SECTION 320 OF THE INA. SDDO INITIALS _____. BASIS FOR REMOVAL: Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States. CRIMINAL HISTORY: (FBI#: [REDACTED]) (SID: [REDACTED] 2035) On August 17, 2025; the subject was arrested for COCAINE. Case is currently pending. CUSTODY DETERMINATION: The subject will be held in ICE custody pending removal proceedings. VALID TRAVEL DOCUMENT IN FILE: No. MEDICAL PROBLEMS: None known. FAMILY CONCERNS: None known. MILITARY SERVICE: Subject has not served in any branch of the US Military. Alien Registration Requirements: Subject meets the registration requirements outlined in 8 C.F.R. 264.1(a) and (b). Specifically, the subject has provided one or more of the prescribed forms, such as an I-94 Arrival-Departure Record or a Permanent Resident Card (I-551), and has fulfilled all necessary conditions, including fingerprint submission (if applicable) or travel on a valid visa. Therefore, the subject is considered compliant with the registration obligations.		
Signature MARC PARKER	Title DEPORTATION OFFICER	

2 of 3 Pages

Uploaded on: 11/13/2025 at 04:52 PM (Mountain Standard Time) Base City: DTG
Case 1:25-cv-01304-JB-SC Document 10-2 Filed 01/13/26 Page 3 of 3

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name BOLUFE IZQUIERDO, ROGELIO ENRIQUE	File Number [REDACTED]	Date 08/18/2025
Event No: [REDACTED]		
Other Identifying Numbers ----- ALIEN- [REDACTED] Arrival-Departure Record- [REDACTED] Other Biometric- [REDACTED] Inmate Number - County Jail [REDACTED] (UNITED STATES) ..COMMENT: TKG Jail Number State Criminal Number/State Bureau Number- [REDACTED] (UNITED STATES) ..COMMENT: Florida State ID		
Signature MARC PARKER	Title DEPORTATION OFFICER	

3 of 3 Pages



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

Respondent Name:

BOLUFE IZQUIERDO, ROGELIO
ENRIQUE

To:

BOLUFE IZQUIERDO, ROGELIO
ENRIQUE
TORRANCE COUNTY DETENTION
FACI
209 COUNTY ROAD AO49
ESTANCIA, NM 87016

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

09/30/2025

ORDER OF THE IMMIGRATION JUDGE

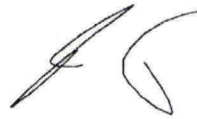
The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

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

☒ Other:
No Action.

Exhibit C



Immigration Judge: Taylor, Brock 09/30/2025

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

Respondent Name : BOLUFE IZQUIERDO, ROGELIO ENRIQUE | A-Number : 

Riders:

Date: 09/30/2025 By: Castillo, Irene, Court Staff

Exhibit C



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTERO IMMIGRATION COURT**

Respondent Name:

BOLUFE IZQUIERDO, ROGELIO
ENRIQUE

To:

BOLUFE IZQUIERDO, ROGELIO
ENRIQUE
TORRANCE COUNTY DETENTION
FACI
209 COUNTY ROAD AO49
ESTANCIA, NM 87016

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

11/20/2025

ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 11/13/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☒ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): Section 237 (a) (1) (B)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

Exhibit D

- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- ☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- ☐ the presumptive civil monetary penalty amount of \$3,000.00 USD

Exhibit D

☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

- ☒ Respondent was ordered removed to Ecuador
- ☐ In the alternative, Respondent was ordered removed to
- ☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

Exhibit D

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.
- ☐ Respondent's status was rescinded under INA § 246.
- ☐ Other:



Immigration Judge: Andrasko, Matthew 11/20/2025

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

Appeal Due: 12/22/2025

Certificate of Service

This document was served:

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

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

Respondent Name : BOLUFE IZQUIERDO, ROGELIO ENRIQUE | A-Number : 

Riders:

Date: 11/20/2025 By: Saylor, Ashley, Court Staff

Exhibit D

ASC Appointment Notice		CASE TYPE 1485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	NOTICE DATE 05-27-2024
APPLICATION SUPPORT CENTER REQUEST NUMBER [REDACTED]		USCIS AP [REDACTED]	CODE 3
ACCOUNT NUMBER [REDACTED]	FCR [REDACTED]	SERVICE CENTER NBC	PAGE 1 of 2
ROGERIO ENRIQUE BOLIFE IZQUIERDO MIAMI FL 33126		[REDACTED]	
PLEASE READ THIS ENTIRE NOTICE CAREFULLY. To process your application, you must appear at the below Application Support Center (ASC) at the date and time specified. TO REQUEST THAT USCIS RESCHEDULE YOUR APPOINTMENT, SEE THE INSTRUCTIONS AT THE BOTTOM OF THIS NOTICE. IF YOU FAIL TO APPEAR AS SCHEDULED, USCIS WILL CONSIDER YOUR BENEFIT REQUEST ABANDONED AND IT MAY BE DENIED.			
APPLICATION SUPPORT CENTER USCIS CENTRAL MIAMI 2586 Bird Road Miami FL 33155		DATE AND TIME OF APPOINTMENT 06-13-24 09:00 AM	
WHEN YOU APPEAR AT THE ASC FOR BIOMETRICS SUBMISSION, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE. If you received multiple ASC notices, bring all of them. 2. PHOTO IDENTIFICATION. Your biometrics will not be collected without identification. Bring a valid U.S. government-issued photo ID. If the name on your identification is different from the name on your ASC notice, bring supporting documentation. If you are a U.S. citizen, bring your Naturalization (Form N-400) or U.S. Permanent Resident Card (Form I-551, also known as a Green Card). Only if necessary, to avoid pain or discomfort or completion of the biometrics were not complete at your ASC appointment, you may wear bandages or casts when you appear for biometrics submission. USCIS may reschedule your appointment if we determine you are unable to complete biometrics submission. Please inform the USCIS office if you are sick or feel any symptoms of being sick. Follow the instructions on this notice to reschedule your appointment. You may bring cell phones or electronic devices. Phones must be turned off during biometrics submission. Do not use your phone during the appointment. For more information regarding your ASC appointment, visit https://www.uscis.gov/biometrics or call the USCIS Contact Center at 1-800-375-5283. If you have questions regarding biometrics, please call the USCIS Contact Center at 1-800-375-5283 (TTY: 800-767-1812). NOTE: If an ASC closes due to inclement weather or unforeseen circumstances, USCIS will notify you via email or text message. For the latest information on the status of an office, visit https://www.uscis.gov/about-us/office-closures. Please also visit the USCIS website for information on the status of your appointment. If you are unable to attend your appointment, please visit https://my.uscis.gov/accounts/biometrics/overview to request a new ASC appointment notice. To ensure you receive a full range of services from USCIS, you must update your address with USCIS using your online account or by visiting a USCIS office. USCIS may use your biometrics to check the criminal records of the FBI, the Department of Justice, the Department of Homeland Security, and the Department of State to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.). If you have a criminal record, you may be subject to additional screening and processing. For more information, please visit https://www.uscis.gov/biometrics. If you are unable to attend your scheduled ASC appointment, you may request that USCIS reschedule your appointment. Your request to reschedule must: 1) be made before the date and time of the original appointment and 2) establish good cause for rescheduling. If you fail to make a request before your scheduled appointment or fail to establish good cause, USCIS may not reschedule your ASC appointment. To request a reschedule, please visit https://my.uscis.gov/accounts/biometrics/overview. You may also call the USCIS Contact Center at 1-800-375-5283 (TTY: 800-767-1812). If you have a serious ongoing medical condition or you must leave your home home, you may request a mobile biometrics homebound appointment by following the instructions on the back in the Notice for People with Disabilities or by visiting https://www.uscis.gov/biometrics.			
REQUESTS TO RESCHEDULE/SPECIAL HANDLING [REDACTED] TEMP. [REDACTED] ON JUN 13 2024			
If you have any questions regarding this notice, please contact the USCIS Contact Center at 1-800-375-5283.			