

Advisory to the Court (Nunc Pro Tunc Filing)

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Jose Javier SUAREZ MENDOZA,



Petitioner,

v.

**Pamela Jo Bondi,
Attorney General of the
United States of America,**

**Kristi Noem,
Secretary of the Department of
Homeland Security, (DHS),**

**Todd Lyons,
Acting Director,
United States Immigration and
Customs Enforcement (ICE),**

**Field Office Director,
El Paso Field Office,
U.S. Immigration and Customs
Enforcement (ICE), and**

**Warden,
El Paso Processing Center
Respondents.**

Civil Action No. 3:26-cv-165

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. Petitioner, Mr. Suarez Mendoza, is in the physical custody of Respondents at the El Paso Processing Center in El Paso, Texas. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

6. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

7. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgement). On December 18, 2025, the *Maldonado Bautista* court entered final judgment in the case and declared that *Yajure Hurtado* "is no longer controlling" for members of the Bond Eligible Class and, in turn, that Immigration Judges have jurisdiction to hear custody redetermination hearings for all class members. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987, at *12 (C.D. Cal. Dec. 18, 2025).

8. Nonetheless, some Immigration Judges within the Executive Office for Immigration Review and its subagency, the Office of the Chief Immigration Judge, and the Department of Homeland Security, have still refused to abide by the declaratory relief and have unlawfully denied Plaintiff the opportunity to be released on bond, claiming that they are still bound by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as the *Maldonado Bautista* court declined to vacate the case in its entirety.

9. Plaintiff is a member of the Bond Eligible Class, as he: (a) does not have lawful status in the United States and is currently detained at the El Paso Processing Center; (b) last entered the United States without inspection twenty-two years ago and was not apprehended upon arrival; and (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10. Accordingly, Plaintiff seeks a writ of habeas corpus requiring that he be released or, in the alternative, that Respondents provide a fundamentally fair bond hearing under § 1226(a) within seven days.

JURISDICTION

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at El Paso Processing Center in El Paso, Texas.

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and 28 U.S.C. § 1261, the All Writs Act.

VENUE

14. Venue lies in the United States District Court for the Western District of Texas, the judicial district in which Petitioner is currently detained. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973). (finding proper venue lies in the judicial district in which Petitioner is currently detained).

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Texas. Respondent Warden of El Paso Processing Center has their principal place of business in El Paso, Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

17. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. Immigr. Nationalities Svc.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

18. Petitioner, Mr. Suarez Mendoza, is alleged to be a citizen of Mexico who has been in immigration detention since December 8, 2025. After arresting Petitioner in Ward County, Texas, ICE did not set bond and Petitioner is unable to obtain review of his custody by an Immigration Judge (IJ), pursuant to the BIA’s decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

19. Respondent Pamela Jo Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (EOIR)—and the immigration court system it operates—is a component agency.

20. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

21. Respondent Todd Lyons is the Acting Director of the United States Immigration and Customs Enforcement, which is the agency responsible for Petitioner's detention. Mr. Lyons has custodial authority over Petitioner and is sued in his official capacity.

22. Respondent Field Office Director is the Director of the El Paso Field Office of ICE's Enforcement and Removal Operations division and is the federal official with supervisory authority over the El Paso Processing Center, a detention center owned and operated or contracted by ICE. As such, Field Office Director is Petitioner's immediate legal custodian and is responsible for Petitioner's detention and removal. They are named in their official capacity.

23. Respondent Warden of the El Paso Processing Center is the warden of a detention facility owned and operated or contracted by ICE and is the Petitioner's immediate physical custodian. Respondent Warden is sued in their official capacity.

LEGAL FRAMEWORK

24. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

25. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* § 1226(c).

26. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

27. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

28. This case concerns the detention provides at §§ 1226(a) and 1225(b)(2).

29. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996., Pub. L. No. 104–208, Div. C. §§ 302–03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

30. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention of Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

31. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

32. On May 15, 2025, the BIA issued *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) finding that mandatory detention under § 1225(b)(2)(A) applies to individuals who are arrested upon entry, paroled from detention and charged as inadmissible to the United States as noncitizens

present without being admitted or paroled and placed in § 1229a removal proceedings, and subsequently rearrested by ICE.

33. On July 8, 2025, ICE, “in coordination with” DOJ, expanded this novel interpretation with a new policy, therein rejecting well-established understanding of the statutory framework and reversed decades of practice.

34. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”¹ claims that all persons who entered the United States without inspection shall now be subject to mandatory detention pursuant to § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

35. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the BIA held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

36. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado* and *Matter of Q. Li*, which adopt the same reading of the statutes as ICE.

37. Even before ICE or the BIA introduced these nationwide policies, IJs at the Tacoma, Washington Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 1239 (W.D. Wash. 2025).

38. Subsequently, court after court, including those within this district, has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g. Cardona-Lozano v. Noem*, No. 1:25-CV-1784-RP, 2025 WL 3218244 (W.D. Tex., Nov. 14, 2025) (collecting cases); *Silva v. Bondi*, No. 1:25-CV-2155-DAE, 2026 WL 90060, at *6 (W.D. Tex., Jan. 12, 2026) (collecting cases); *Lopez-Arevelo v. Ripa*, 801 F.Supp.3d 668 (W.D. Tex., Sept. 22, 2025).

39. Most recently, on November 20, 2025, the District Court for the Central District of California granted declaratory relief to the petitioners of *Maldonado Bautista* by declaring "unlawful" the DHS's new detention policy and the BIA's matching conclusion in *Matter of Yajure Hurtado*. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3289861 (Nov. 20, 2025). The *Maldonado Bautista* court granted the Petitioners' motion for partial summary judgment and found "the statutory provisions to be unambiguous and consistent with only Petitioners' interpretation," therein rejecting the new attempt to apply INA § 235(b)(2)(A) to noncitizens like the Respondent. *Id.*

40. On December 18, 2025, the *Maldonado Bautista* court issued further clarification. *See Maldonado Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal., Dec. 18, 2025) (courtesy copy attached). In her order, the judge stated:

Nevertheless, the Court observes that the core holding of *Yajure Hurtado* cannot be squared with the MSJ Order. In spite of *Yajure Hurtado*, this Court determined that Petitioners and those similarly situated are not 'applicants for admission,' and therefore not subject to mandatory detention under

§ 1225. Although the MSJ Order does not grant vacatur of *Yajure Hurtado* under the APA, *Yajure Hurtado is no longer controlling; the legal conclusion underlying the decision is no longer tenable.*

Id. at *6 (emphasis added). Following extensive analysis, the court then deemed it proper to enter “final judgment in this action as to Counts I, II, and III of the Amended Class Complaint.” *Id.*

41. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” 8 U.S.C. § 1226(a). These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[noncitizen].”

42. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). *Id.* As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 770 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. V. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

43. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

44. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who are otherwise actively seeking admission to the United States. 8 U.S.C. § 1225(b). The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the

Government must determine whether [a noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

45. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing within the United States at the time they were apprehended.

FACTS

46. Petitioner has resided in the United States since early 2004. He lives in Jacksonville, Texas with his wife and two children child, all of whom rely on him financially and have been struggling to pay the bills since his arrest. Petitioner also sends money to his elderly widowed mother who lives in Mexico.

47. On December 7, 2025, Petitioner was pulled over by an officer driving a car from the sheriff’s office. The officer asked for Petitioner’s identification, which was an expired identification card from Texas. The sheriff asked Petitioner how long he had resided in the United States before handcuffing and arresting him. He later spoke with a Border Patrol agent who placed an immigration detainer on Petitioner and took him into Respondents’ custody. Petitioner is now detained at the El Paso Processing Center.

48. On December 15, 2025, DHS placed Petitioner in removal proceedings before the El Paso Immigration Court, pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia* being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

49. Petitioner is a loving father and husband who provides for his family both emotionally and financially. He has no criminal history in the United States from the twenty-two years he has lived here, as confirmed by Respondents’ documentation within Petitioner’s Form I-

213, Record of Deportable/Inadmissible Alien. Petitioner is neither a flight risk nor a danger to the community, considering his clean criminal record and his duty to support his wife and children who live within the United States.

50. Following Petitioner's arrest and transfer to El Paso Processing Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

51. Pursuant to *Matter of Yajure Hurtado* [and *Matter of Q. Li.*], the IJ is unable to consider Petitioner's bond request.

52. As a result, Petitioner remains in detention. Without relief from this Court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT 1

Violation of the INA

53. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

CLAIMS FOR RELIEF

COUNT 2

Violation of Due Process

56. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

57. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraining—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

58. Petitioner has a fundamental interest in liberty and being free from official restraint.

59. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Western District of Texas while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner as he is not a danger to the community or a flight risk;

- e. In the alternative, order Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- f. Declare that Petitioner's detention is unlawful;
- g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any other and further relief that this Court deems just and proper.

Dated: January 26, 2026

/s/ Ruby Powers
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Florida Bar ID: 119325
Counsel for Petitioner

VERIFICATION

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ *Michelle Perez*

Michelle Perez, Esq.

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TABLE OF CONTENTS

Tab	Description
	• Exhibit A: Notice to Appear (NTA) • Exhibit B: Record of Deportable/Inadmissible Alien, Form I-213.

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS #: [REDACTED]

DOB: [REDACTED]

File No: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: JOSE JAVIER SUAREZ MENDOZA

currently residing at:

8915 Montana Ave. El Paso, TX 79925

(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 MEXICO and a citizen of MEXICO ;
3. You arrived in the United States at or near LAREDO, TX , on or about January 14, 1999 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ 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:

8915 MONTANA AVE EL PASO TX US 79925

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

on January 16, 2026 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

ROBERTO GUAJARDO

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: December 08, 2025

500 Laurel Street, Van Horn, Texas 79855

(City and State)

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

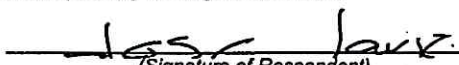
Request for Prompt Hearing

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:



ROBERTO GUAJARDO Border Patrol Agent
(Signature and Title of Immigration Officer)


(Signature of Respondent)

Date: 12/08/2025

Certificate of Service

This Notice To Appear was served on the respondent by me on December 8, 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)


ROBERTO GUAJARDO Border Patrol Agent
(Signature and Title of officer)

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.

U.S. Department of Homeland Security

Continuation Page for Form 1862

Alien's Name JOSE JAVIER SUAREZ MENDOZA	File Number 	Date December 08, 2025
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: ===== 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.		
Signature ROBERTO GUAJARDO		Title Acting/Patrol Agent in Charge

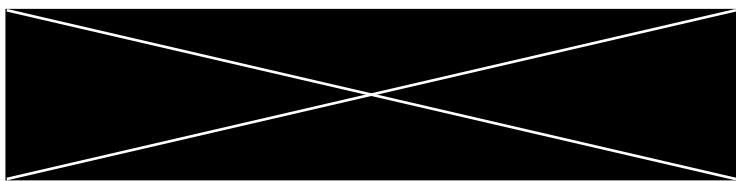
4 of 4 Pages

EXHIBIT B

U.S. Department of Homeland Security

Subject ID : 

Record of Deportable/Inadmissible Alien

Family Name (CAPS) SUAREZ MENDOZA, JOSE JAVIER			First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship MEXICO	Passport Number and Country of Issue 		File Number 		Height 70	Weight 220	Occupation	
U.S. Address					Scars and Marks			
Date, Place, Time, and Manner of Last Entry 04/17/1999 12:00, LAR, afoot					Passenger Boarded at		F.B.I. Number 	
Number, Street, City, Province (State) and Country of Permanent Residence					☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth  Age: 56					Date of Action 12/08/2025	Location Code VHT		
City, Province (State) and Country of Birth QUERETARO, MEXICO					AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐		
NIV Issuing Post and NIV Number					Social Security Account Name			
Date Visa Issued					Social Security Number			
Immigration Record NEGATIVE					Criminal Record			
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 Words(s) See Narrative
Name and Address of (Last)(Current) U.S. Employer					Type of Employment	Salary	Employed from/to Hr	
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:  Left Index fingerprint Right Index fingerprint  								
Family Information Father: Subject has not provided information for Father. Mother: Subject has not provided information for Mother. Spouse: Subject is not married. Child: Subject does not have children or dependents.								
Current Criminal Charges 12/07/2025 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212 ... (CONTINUED ON I-831)								
Alien has been advised of communication privileges _____ (Date/Initials)					EDWARD LUJAN BORDER PATROL AGENT (Signature and Title of Immigration Officer)			
Distribution:					Received: (Subject and Documents) (Report of Interview) Officer: EDWARD LUJAN on: December 8, 2025 (time) Disposition: Notice to Appear Detained (I-862) Examining Officer: GRADO, JUAN C.			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SUAREZ MENDOZA, JOSE JAVIER	File Number Event No:	Date 12/08/2025
Current Administrative Charges ----- 12/07/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) 12/07/2025 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA RECORDS CHECKED ----- CIS checked on 12/08/2025 with Negative result. ABIS checked on 12/08/2025 with Negative result. EARM checked on 12/08/2025 with Negative result. NCIC checked on 12/08/2025 with Negative result. TECS checked on 12/08/2025 with Negative result. NGI checked on 12/08/2025 with Negative result. Record of Deportable/Excludable Alien: ----- JOSE JAVIER SUAREZ is a native and citizen of Mexico by virtue of birth and has no claims to United States Citizenship or Lawful Permanent Resident status and has no petitions pending. (C.O.C: Mexico), (DOB:) last entered the United States unlawfully on or about 04/17/1999 through Laredo, Texas. JOSE JAVIER SUAREZ entered without inspection or admission by an immigration officer and entered walking through or near Laredo, Texas, a location not designated as an Official Port of Entry. At the time of encounter, JOSE JAVIER SUAREZ did not have any immigration documents allowing him to enter, reside, or transit the United States. APPRHENSION: On December 07, 2025, at approximately 3:28 p.m., Midland Border Patrol Resident Agent Aguilar received a request from Ward County Sheriff's Deputy Acosta requesting assistance identifying a subject that was possibly illegally present in the United States. Deputy Acosta initiated a traffic stop on a vehicle on Interstate Highway 20 at mile marker 53 for defective stop lamps on a trailer. The subject did not speak English. The subject presented Deputy Acosta an expired Texas Identification Card as his only form of identification. The subject was identified as Jose Javier Suarez born with citizenship to Mexico. A query by Agent Aguilar of Jose Javier Suarez's biographical data did not return any information associated with Jose Javier Suarez. Agent Aguilar interviewed Jose Javier Suarez over the phone. Agent Aguilar identified himself as a Border Patrol Agent in Spanish and proceeded to question Jose Javier Suarez to determine alienage. Jose Javier Suarez boasted he last crossed illegally into the United States 26 years ago in an area near Laredo, Texas. Since Jose Javier Suarez admitted to being in the United States illegally, he was taken into custody at the request of the Border Patrol. An I-247 Immigration Detainer was placed on him. The encounter occurred in Ward County. IMMIGRATION/CRIMINAL VIOLATION: JOSE JAVIER SUAREZ was advised of their administrative rights in removal proceedings. JOSE JAVIER SUAREZ acknowledged understanding of these rights. JOSE JAVIER SUAREZ fingerprints were inputted into the IDENT/IAFIS database systems. IMMIGRATION HISTORY: A#: issued for today's arrest. CRIMINAL HISTORY: None FBI#		
Signature EDWARD LUJAN		Title BORDER PATROL AGENT

EOIR - 2 of 3

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SUAREZ MENDOZA, JOSE JAVIER	File Number  Event No: 	Date 12/08/2025
WANTS AND WARRANTS: None. CONSULAR NOTIFICATION: JOSE JAVIER SUAREZ was notified of the right to communicate with a consular officer from Mexico as per Article 36(a) (b) of the Vienna Convention of Consular Relations. MEDICAL DISCLAIMER: JOSE JAVIER SUAREZ appears to be healthy and did not express any medical concerns. JOSE JAVIER SUAREZ is not showing signs or symptoms from the Coronavirus disease 2019 (COVID-19) nor has he been around anyone showing signs or symptoms of the Coronavirus disease 2019 (COVID-19). PROPERTY: JOSE JAVIER SUAREZ property was tagged and will accompany him to PTD in El Paso, Texas. An I-77 () was issued for the subject's property. MONEY: Subject had \$36.00 U.S. Dollars in his possession AND 100.00 Mexican pesos. All monies will be maintained with the subject on their person. DISPOSITION: JOSE JAVIER SUAREZ was processed for Notice to Appear/Detained as per section 212a6Ai of the Immigration and Nationality Act. Form I-862 was issued by Acting Patrol Agent in Charge Roberto Guajardo which was served by BPA Edward Lujan on December 08, 2025. Forms I-862, I-826 and List of Free Legal Services were issue. Other Identifying Numbers ----- ALIEN- 		
Signature EDWARD LUJAN		Title BORDER PATROL AGENT

EOIR - 3 of 3