

administrative court has already found that it lacks jurisdiction to order release on bond, and the Department of Homeland Security (DHS) has issued the legally erroneous policy interpretation that individuals in Mr. Fajardo's position are subject to mandatory detention. As to the constitutional claims, the immigration courts have no jurisdiction. *See Matter of Fede*, 20 I&N Dec. 35, 36 (BIA 1989). Likewise, immigration courts are powerless to hear Mr. Fajardo's Administrative Procedures Act claims.

Respondents' refusal to release Mr. Fajardo on bond violates his substantive and procedural due process rights under the U.S. Constitution and represents an unlawful application of the statute at 8 USC § 1225(b).

Gomar Fajardo-Tejada sues Respondents and alleges the following:

PRELIMINARY STATEMENT AND JURISDICTION

1. Mr. Fajardo is being held in the exclusive custody of the United States Immigration and Customs Enforcement (ICE) in violation of the Constitution and laws of the United States and remains under threat of such unlawful detention.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 2241(a). This action is a civil matter arising under the Constitution and the laws of the United States, challenging Mr. Fajardo's custody under color of the authority of the United States. 28 U.S.C. 2241(c)(1). Mr. Fajardo seeks corrective action by officers and employees of the United States in their official capacity.
3. Mr. Fajardo challenges his mandatory detention as it violates the Constitution and laws of the United States. 28 U.S.C. §2241(c)(3). This Court has jurisdiction to grant this writ of habeas corpus. 28 U.S.C. §2241(a).
4. Mr. Fajardo further seeks to challenge his unlawful detention under 28 U.S.C. §1651 (writs); 28 U.S.C. §1361 (mandamus); 28 U.S.C. §§2201 and 2202 (declaratory

judgment and further relief); 28 U.S.C. §1367(a) (supplemental jurisdiction); and 5 U.S.C. §§ 701, 702, 704, and 706 (rights of review over agency actions and unlawful agency regulations).

5. This court does not lack jurisdiction to consider this petition under 8 USC § 1225(b)(4), as Petitioner's due process claims are clearly regarding his detention, not regarding the underlying removal proceedings, which as stated above are ongoing. This court does not lack jurisdiction under 8 USC § 1252(g), as Petitioner is not seeking review of any of the three discrete actions that the statute describes ("to commence proceedings, adjudicate cases, or execute removal orders"). 8 USC § 1252(g). Mr. Fajardo is not seeking review of any other decision of the immigration judge other than the decision on bond.

VENUE

6. Venue lies in the United States District Court for the Western District of Texas, the judicial district in which Respondents Charlotte Thompon, as the Warden of T. Don Hutto Detention Center, and Miguel Vergara, as the San Antonio Field Office Director for Immigration and Customs Enforcement (ICE) are located and where Mr. Fajardo is detained. 28 U.S.C. §1391(e).

PARTIES

7. Mr. Fajardo is a citizen and national of Guatemala who is currently in removal proceedings. He was detained by DHS in August of 2025 without a judicial or administrative warrant. He is currently detained at the T. Don Hutto Detention Center in Taylor, Texas.

8. Respondent Pam Bondi is Attorney General of the United States and exercises authority over immigration matters.

9. Respondent Kristi Noem is Secretary of DHS and has delegated her authority to administer the laws of the United States to ICE, a component of DHS.
10. Respondent Todd Lyons is Acting Director of ICE.
11. Respondent Miguel Vergara is the San Antonio Field Office Director for Detention and Removal within ICE and has had the legal custody of Mr. Fajardo.
12. Respondent Charlotte Collins is Warden of the T. Don Hutto Detention Center in Taylor, Texas and has physical custody of Mr. Fajardo.

STATEMENT OF FACTS

13. Mr. Fajardo last entered the United States by land and without inspection in approximately 2007. He has lived in the United States since that time and has no criminal record.
14. Mr. Fajardo was arrested by ICE, a component of DHS, in August 2025 and served with a Notice to Appear (NTA) before the Immigration Judge, charging him as a person who is present without admission or parole under 8 USC § 1182(A)(6)(a)(i).
Exhibit A.
15. Since his arrest by ICE Mr. Fajardo has been detained and is currently housed at the T. Don Hutto Detention Center in Taylor, Texas without bond. He sought a bond redetermination hearing before Immigration Judge Eric Tijerina, who denied a hearing on his bond for lack of jurisdiction on December 18, 2025. Exhibit B. His removal hearing progressed, and Immigration Judge Tijerina denied Mr. Fajardo's applications for asylum, withholding of removal, and relief from removal under the convention against torture on January 2, 2026. Exhibit C. Mr. Fajardo timely appealed to the Board of Immigration Appeals and the appeal is pending. Exhibit D. Mr. Fajardo is therefore not subject to a final order of removal and remains eligible for bond.
16. On July 8, 2025, DHS issued policy guidance instructing ICE employees to treat

noncitizens charged with removability under 8 USC § 1182(a)(b)(A)(i) as subject to mandatory detention under 8 USC § 1225(b)(2)(A). Subsequently, the Board of Immigration Appeals (BIA) issued a precedent administrative decision, *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), adopting the same reasoning as the DHS policy and finding that immigration judges therefore have no jurisdiction to consider bond for any noncitizen employees to treat noncitizens charged with removability under 8 USC § 1182(a)(b)(A)(i).

17. Mr. Fajardo is not subject to mandatory detention under 8 USC § 1225(b)(2)(A). At no point in the removal proceedings has DHS taken the statutory and regulatory steps to initiate proceedings under 8 USC § 1225(b)(2)(A). To the contrary, Petitioner's NTA alleges that he is in removal proceedings pursuant to section 240 [8 USC § 1229a]. Exhibit A.
18. The expedited removal process is primarily concerned with noncitizens seeking entry. *See Jennings v. Rodriguez*, 138 U.S. 830, 842 (2018). The statute itself is titled: "Inspections by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing." 8 USC § 1225. The statute focuses on recent arrivals: subsection (b)(1) refers to noncitizens presently "arriving," while subsection (b)(1)(A)(iii)(II) specifically exempts from processing under § 1225 noncitizens who can show continuous physical presence for the 2 years immediately preceding the determination of inadmissibility. This 2-year physical presence exception is echoed in the regulations. *See* 8 CFR § 253.3(b)(1)(ii).
19. No documentation in the A-file supports the assertion that Petitioner is in expedited removal proceedings under 8 USC § 1225(b). There is no record of procedural regularity that the statute and regulations require. Under 8 CFR § 253.3(b)(2)(i), titled "Record of proceeding," the examining officer is required to record testimony of the noncitizen regarding the suspected ground of inadmissibility utilizing form I-867A, and issue form I-860, Notice of

Order of Expedited Removal. None of these documents are present in Petitioner's A-file. The record is devoid of evidence that Petitioner's proceedings are pursuant to § 1225; all available evidence shows that Petitioner's proceedings were initiated under § 1226, such designation never having changed, and therefore not subject to mandatory detention.

20. Mr. Fajardo has lived in the United States since 2007. He has significant personal, employment, and property ties to the United States and has filed his applications for relief before the immigration court. He was awaiting a final decision on his applications for relief from the Board of Immigration Appeals. He does not seek any review of the immigration judge's decision regarding his application for asylum or other relief from removal.

21. Mr. Fajardo has no administrative remedies to exhaust on his release. The Immigration Judge has already found that he has no jurisdiction to entertain a bond as per the administrative decision of the BIA.

22. There is no justification for Respondents to detain Mr. Fajardo, and therefore the actions of Respondents are unsupported under the law, are capricious, and are unreasonable.

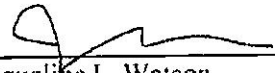
RELIEF SOUGHT

WHEREFORE, Petitioner, Gomar Fajardo-Tejada, respectfully requests that this Court:

- (1) Issue process to the respondents with an order to show cause why the writ should not be granted within three days as per 28 USC § 2243;
- (2) Order the respondents to file with the Court a complete copy of the administrative file from the Department of Justice and the Department of Homeland Security;

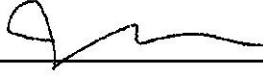
- (3) Enjoin ICE from transferring Mr. Fajardo outside of the Western District of Texas while this matter is pending;
- (4) Enjoin ICE from removing Mr. Fajardo without a final order of removal;
- (5) Enjoin ICE from removing Mr. Fajardo to a third country without a full and fair hearing;
- (6) Grant the writ of habeas corpus;
- (7) Order that ICE immediately release Mr. Fajardo upon reasonable conditions of supervision;
- (8) Grant any other relief that this Court deems just and proper.

Respectfully submitted on 26th day of January 2026,


Jacqueline L. Watson
Bar No. 24013717
PO Box 140315
Austin, TX 78714
Phone: (512) 270-2916
jacqueline@posadawatson.law

VERIFICATION OF COUNSEL

I, Jacqueline L. Watson, hereby certify that I am familiar with the case of the named petitioner and that the facts stated above are true and correct to the best of my knowledge and belief.



LIST OF EXHIBITS

Exhibit A	Notice to Appear
Exhibit B	Order of the Immigration Judge on Custody Status
Exhibit C	Order of the Immigration Judge on Relief
Exhibit D	Appeal Filed to the Board of Immigration Appeals

Allegations: Admits all | Charges: Concedes all sustained
Designated Country: GUATEMALA |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 000000000000

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: GUMAR PAJARDO-TEJADA

currently residing at:

[REDACTED]

[REDACTED]

(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 GUATEMALA and a citizen of GUATEMALA;
3. You entered the United States at or near an unknown location, on or about unknown date;
4. At that time you arrived at a time or place other than as designated by the Attorney General.

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)(5)(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.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☒ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☒ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

566 Veterans Drive, PEARSBALL, TEXAS 78061, T. OCM NOTED RESIDENTIAL

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

On September 1, 2025 at 2:00 PM to show why you should not be removed from the United States based on the charge(s) set forth above.

charge(s) set forth above.

TEDDY A. WARREN - SSSD

(Signature and Title of Issuing Official)

Date: August 12, 2025

Austin, Texas

(City and State)

Allegations: ADMITS all Charges: Concedes all **Notice to Respondent**
 Designated Country: GUATEMALA

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.dhs.gov/immigration>, 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) 448-6803.

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. § 1228(a)(1), such action complies with 8 U.S.C. § 1367.

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 August 12, 2025, in the following manner and in compliance with section 209(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)

(Signature and Title of officer)



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

Respondent Name:

FAJARDO-TEJADA, GOMAR

To:

Watson, Jacqueline Lee
PO BOX 202050
Austin, TX 78759

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/18/2025

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

The Court finds the Respondent failed to meet his burden of demonstrating that he was lawfully admitted to the United States. Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

The Court acknowledges that the Respondent asserts eligibility for custody redetermination because the court in *Lazaro Maldonado Bautista, et al v. Ernesto Santacruz Jr., et al*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), granted class certification for bond eligible individuals. Nevertheless, it is significant that while the court in *Lazaro Maldonado Bautista, et al v. Ernesto Santacruz Jr., et al*, granted class certification and partial summary judgment for the plaintiffs in that case, it did not issue a class-wide declaratory judgment or injunction. Rather, the court set a January 9, 2026, joint status report deadline and January 16, 2026, status conference. Until and unless the Maldonado Bautista court issues a class-wide declaratory judgment or injunction, the Maldonado Bautista court's opinion and partial grant of summary judgment does not constitute a final judgment and therefore does not alter or negate the BIA's determination in *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025). See, e.g., Fed. R. Civ. P. 54(b).

Accordingly, the Court finds that *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), remains in effect and this Court does not have jurisdiction over the Respondent's custody redetermination.

EXHIBIT B

ORDER: IT IS HEREBY ORDERED THAT the Respondent's request for custody redetermination be **DENIED**.

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

☐ **Other:**



Immigration Judge: Tijerina, Eric 12/18/2025

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

Appeal Due: 01/20/2026

Certificate of Service

This document was served:

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

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

Respondent Name : FAJARDO-TEJADA, GOMAR | A-Number : 

Riders:

Date: 12/19/2025 By: R. J. REID, Court Staff



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

Respondent Name:

FAJARDO-TEJADA, GOMAR

To:

Cardiel, Janet
3699 Wilshire Blvd
Suite 1000
Los Angeles, CA 90010

A-Number



Riders

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

01/02/2026

ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 01/02/2026. 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): 212(a)(6)(A)(i).

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

EXHIBIT C

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
- ☐ \$ 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).

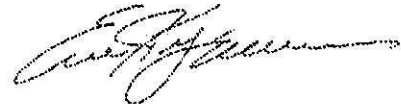
IV. Removal

- ☒ Respondent was ordered removed to Guatemala
- ☐ 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)

V. Other

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



Immigration Judge Tjorina, Eric 01/02/2026

Appeal Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved
Appeal Due: 02/02/2026

Certificate of Service

This document was served:

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

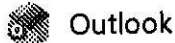
To: ☐ Alien ☐ Alien c/o custodial officer ☐ E ☐ Alien atty/rep. ☐ E ☐ DHS

Respondent Name : FAJARDO-TEJADA GOMAR | A-Number :



Riders:

Date: 01/02/2026 By: Johnson Briana, Court Staff



EOIR - FAJARDO-TE - 137 - Service - EOIR-26, No PKG - BIA

From eFiling-DHSPortal@usdoj.gov <eFiling-DHSPortal@usdoj.gov>
Date Mon 01/26/26 4:21 PM
To Jacqueline Watson <jacqueline@posadawatson.law>

The Executive Office for Immigration Review (EOIR) has received an electronic upload of the BIA appeal/motion package referenced below. BIA is evaluating the package for inclusion into the electronic Record of Proceedings (eROP). EOIR will notify you upon completion of the evaluation process.

- eFiled Document Name: E26 Fajardo 137.pdf
- Additional Document(s) Name:
 - E26 Receipt Fajardo 137.pdf
 - E27 Fajardo 137.pdf
 - Notice of Appeal E26 Addendum Fajardo 137.pdf
- Document Category: EOIR-26, Notice of Appeal from a Decision of an Immigration Judge
- Document Sub Category: Case Appeal
- Uploaded On: 01/26/2026
- Tracking Number: [REDACTED]
- A-Number: [REDACTED]
- Alien Name: FAJARDO-TEJADA, GOMAR
- Charging Document Date: 08/12/2025
- Case Type: RMV
- BIA Case Type: Case Appeal
- Date the BIA Case was Filed: 01/26/2026

The documents associated with this filing may be viewed as follows:

Attorneys/Representatives you may view the documents in the EOIR Case Portal at this [link](#). Please note you will need your User ID and password to access the location.

DHS users you may view the documents in the EOIR DHS Portal at this [link](#).

EXHIBIT D