

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

BLAIDEL MARIN RAMOS

A 

Petitioner,

Case No. _____

v.

Mr. George Dedos, Warden of Cibola County
Correctional Center; Mary De Anda-Ybarra,
ICE District Director, Otero, New Mexico; The
Honorable Ms. Kristi Noem, in her capacity as
Secretary of Homeland Security; The
Honorable Ms. Pam Bondi in her capacity as
Attorney General of the United States,
Respondents.

_____/

PETITION FOR WRIT OF HABEUS CORPUS AND INCORPORATED
MEMORANDUM OF LAW IN SUPPORT THEREOF

PRELIMINARY STATEMENT

1. This case challenges the government's authority to indefinitely detain a noncitizen without any finding of dangerousness or flight risk. It asks that this Court grant the petitioner release from prolonged immigration detention or a bond hearing before a neutral arbiter.
2. As of the date of this Petition, petitioner has been detained by Immigration and Customs Enforcement (Hereinafter "ICE") for over FIVE (5) Months, with no end to petitioner's

detention in the reasonably foreseeable future. Petitioner was originally detained and placed in removal proceedings by ICE.

3. ICE claims the authority to indefinitely detain petitioner without a bond consideration under the *Immigration and Nationality Act* (“INA”) § 235(b), 8 U.S.C. § 1225(b). In separate subsections, that statute provides for the detention of asylum seekers who pass a credible fear interview “for further consideration of the application for asylum,” *id.* § 1225(b)(1)(B)(ii), as well as detention of all other noncitizens whom an immigration official believes are not “clearly and beyond a doubt entitled to admission for a proceeding under 1229a of this title [removal proceedings before an immigration judge].” *id.* § 1225(b)(2)(A). Collectively, the Department of Homeland Security (Hereinafter “DHS”) refers to these noncitizens as “arriving aliens.” 8 C.F.R. § 1.2.
4. The government interprets § 1225(b) to require mandatory detention without a bond hearing of all arriving aliens, for the indefinite length of time necessary to complete removal proceedings, even if that time becomes unreasonably prolonged. *See Matter of X-K-*, 23 I. & N. Dec. 731, 732 (BIA 2005) (“There is no question that Immigration Judges lack jurisdiction [for a bond hearing] over arriving aliens who have been placed in . . . removal proceedings”); 8 C.F.R. § 1003.19(h)(2)(i)(B) (stating that an immigration judge may not conduct a custody determination of an “arriving alien”).
5. Petitioner’s prolonged, indefinite detention pending removal proceedings violates the U.S. Constitution’s Fifth Amendment because it deprives petitioner of liberty without due process of law and the Immigration and Nationality Act because it is not authorized by the statute and the detention renders the Deportation Officer’s power absolute as release is solely within his/her hands.

6. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order petitioner's release from custody, with appropriate conditions of supervision if necessary. In the alternative, petitioner requests that this Court conduct or order an immigration judge to conduct a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) the reviewing court considers alternatives to detention that could mitigate risk of flight.

PARTIES

7. Petitioner is presently detained at the direction of Respondent at the Cibola County Correctional Center, 2000 Cibola LP, Milan, New Mexico 87021.
8. Respondent, Mr. George Dedos, is named in his official capacity as the warden of the facility where petitioner is held. In this capacity, he is a legal custodian of the petitioner. Respondent's address is above – referenced.
9. Respondent, Ms. Mary De Anda-Ybarra is named in her official capacity as the ICE District Director of Cibola County, New Mexico. In this capacity, she is a legal custodian of petitioner. Respondent's address is 11541 Montana Avenue, Suite E, El Paso, Texas 79936.
10. Ms. Kristi Noem is named in her official capacity as the Acting Secretary of DHS. She is responsible for the administration of immigration laws. *8 U.S.C. § 1103(a)*. She routinely transacts business in the district of Cibola County, New Mexico and is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent Noem's address is United States Department of Homeland Security, 3801 Nebraska Ave NW, Washington, DC 20016.

11. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. *8 U.S.C. § 1103(g)*. She routinely transacts business in the Cibola County, New Mexico District is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent Bondi's address is United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

JURISDICTION

1. Petitioner is detained in the custody of Respondents at the Cibola County Correctional Center, 2000 Cibola LP, Milan, New Mexico 87021.
2. This Court has subject matter jurisdiction over this Petition under *28 U.S.C. § 2241 (power to grant habeas corpus)* and *28 U.S.C. § 1331 (federal question jurisdiction)*; the *All Writs Act*, *28 U.S.C. § 1651*; and the *Administrative Procedure Act*, *5 U.S.C. § 701*.
3. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *Demore v. Kim*, *538 U.S. 510, 516-17 (2003)*.

VENUE

4. Under *28 U.S.C. § 2241(d)*, venue properly lies in the New Mexico District because Petitioner is physically present and in the custody of Respondents within the district. In addition, Petitioner's pending removal proceedings are taking place within the district at the immigration court located at the Cibola County Correctional Center, 2000 Cibola Loop, Milan, NM 87021.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. There is no statutory requirement of exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. *See Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010); *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009). Any requirement of administrative exhaustion is therefore purely discretionary.
6. In making that decision, the Court should consider the urgency of the need for immediate review. “Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent.” *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).
7. Moreover, where the agency predetermined a dispositive issue, no further action with the agency is necessary. *See, e.g., Monestime v. Reilly*, 704 F. Supp. 2d 453, 456-57 (S.D.N.Y. 2010) (holding that administrative challenges to a noncitizen’s classification under the mandatory detention statute would be futile given the agency’s precedent on the issue); *Garcia*, 615 F. Supp. 2d at 180 (same).
8. The BIA interprets § 1225(b) as mandating detention of arriving aliens pending removal proceedings. *See Matter of X-K-*, 23 I. & N. Dec. at 732 (There is no question that Immigration Judges lack jurisdiction [for a bond hearing] over arriving aliens who have been placed in . . . removal proceedings). Exhaustion before the BIA would therefore be futile.
9. Further, “the BIA [Board of Immigration Appeals] does not have jurisdiction to adjudicate constitutional issues” (quotations and citation omitted). *United States v. Gonzalez-*

Roque, 301 F.3d 39, 48 (2d Cir. 2002). Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.

10. A request for release on humanitarian parole under 8 U.S.C. 1182(d)(5)(A) would also be futile. *Parole review is conducted informally by DHS officers—the jailing authority—by checking a box on a form that contains no factual findings, no specific explanation, and no evidence of deliberation. There is no hearing, no record, and no administrative appeal from a negative parole decision, even to correct manifest errors. See Rodriguez v. Robbins*, 804 F.3d 1060, 1081 (9th Cir. 2015), cert. granted sub nom. *Jennings v. Rodriguez*, 136 S. Ct. 2489, 195 L. Ed. 2d 821 (2016) (identifying denials of parole “based on blatant errors: In two separate cases . . . officers apparently denied parole because they had confused Ethiopia with Somalia. third case, an officer denied parole because he had mixed up two detainees’ files.”) (emphasis added); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006) (finding that DHS abused its authority by denying parole). In the absence of administratively enforceable standards, grants of parole have decreased sharply in recent years. See *Human Rights First, Lifeline on Lockdown: Increased U.S. Detention of Asylum Seekers* 13 (2016) (relying on government data to document a one-third decrease in parole grants between 2012 and 2015).
11. President Trump has further restricted the already limited use of parole authority by ordering DHS officials to “end the abuse of parole and asylum provisions” in a January 2017 executive order. See *Exec. Order. No. 13,767: Border Security and Immigration Enforcement Improvements*, 82 Fed. Reg. 8793 (Jan. 25, 2017) as well ending the humanitarian parole program during his second term. Deportation officers do not have discretion to grant bond or paroles due to the Trump Administration freeze on discretion. See *Statement from DHS*

Spokesperson on Directives Expanding Law Enforcement and Ending Abuse of Humanitarian Parole Official Notice of DHS January 21, 2025.

STATEMENT OF FACTS

22. Petitioner **Blaidel Marin Ramos**, [REDACTED], a Cuban National, has resided in the United States and maintains a stable residence at: [REDACTED] Florida 33190.

23. On or about **August 20, 2025**, Petitioner was taken into ICE custody and detained at the **Cibola County Correctional Center**.

24. Petitioner has **strong family ties, no history of violence**, and presents **no danger to the community**. He also has strong incentives to comply with immigration proceedings and appear as required.

25. Petitioner's continued detention has impaired his ability to prepare his immigration case effectively and has caused ongoing hardship for him and his family.

26. Despite Petitioner's equities and the absence of any individualized finding that detention is necessary to prevent flight or protect the public, ICE has continued to detain Petitioner for a prolonged period, with no clear end date.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

12. Petitioner re-alleges and incorporates by reference the paragraphs above.

13. Petitioner's prolonged detention under § 1225(b) without any individualized assessment of the need for detention deprives petitioner of due process of law. The Court should therefore order release from unconstitutional detention.

14. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.
15. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). For this reason, even “removable and inadmissible aliens are entitled to be free from detention that is arbitrary and capricious,” *id.* at 721 (Kennedy, J., dissenting). That constitutional protection is unaffected by the government’s authority to make rules for “admission” that regulate the immigration status of noncitizens. *See* 8 U.S.C. § 1101(a)(13)(A) (defining admission as “the lawful entry of the alien”).
16. “A statute permitting indefinite detention of an alien would raise a serious constitutional problem” under the Fifth Amendment’s Due Process Clause. *Id.* at 690. That serious constitutional problem is raised by the government’s reading of § 1225(b). It interprets the statute to permit the indefinite detention of a noncitizen whom the government has not found to be removable or inadmissible but instead granted the right to remain in the United States pending removal proceedings after demonstrating a credible fear of persecution to an asylum officer.
17. In *Zadvydas v. Davis*, the Supreme Court rejected the government’s argument that its immigration powers permit it to indefinitely detain non-citizens after the conclusion of removal proceedings. *Id.* at 695. Since then, the government has repeated that same argument to justify prolonged, indefinite detention pending removal proceedings.
18. Each time, federal courts have roundly rejected it. Every Court of Appeals to consider prolonged detention under *INA* § 236(c), 8 U.S.C. § 1226(c)—a statute that, like § 1225(b)

mandates detention of inadmissible noncitizens pending removal proceedings—holds it limited to a reasonable period by the Due Process Clause. *See Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003). None of these decisions distinguishes between previously admitted and inadmissible noncitizens. Instead, they find that due process limits the period that any noncitizen may be held in prolonged mandatory detention pending removal proceedings.

19. In doing so, they follow *Demore v. Kim*, 538 U.S. 510, 518 (2003). *Demore* identified mandatory detention pending removal proceedings as a “brief period,” lasting “roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the alien chooses to appeal.”
20. Thus, in the Second and Ninth Circuits, the reasonable period of § 1226(c) mandatory detention pending removal proceedings ends at six months. *Lora*, 804 F.3d at 613; *Rodriguez*, 804 F.3d at 1065. The remaining circuits to have addressed the issue hold detention unreasonable some-time after six months, depending on the facts and circumstances of the case, with nine months “straining any common-sense definition of a limited or brief civil detention.” *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 477 (3d Cir. 2015).
21. The only Court of Appeals to consider prolonged detention under § 1225(b) holds that “to avoid serious constitutional concerns, mandatory detention under § 1225(b) . . . must be construed as implicitly time limited.” *Rodriguez*, 804 F.3d 1060.

22. Following *Rodriguez* and *Lora*, numerous district courts in the Second Circuit hold that due process limits mandatory detention under § 1225(b) to a reasonable period of six months. *See, e.g., Ricketts v. Simonse*, 2016 WL 7335675 (S.D.N.Y. Dec. 16, 2016); *Saleem v. Shanahan*, 2016 WL 4435246 (S.D.N.Y. Aug. 22, 2016); *Arias v. Aviles*, 2016 WL 3906738 (S.D.N.Y. July 14, 2016). They are joined by district courts in other circuits. *See, e.g., Ahad v. Lowe*, 2017 WL 66829 (M.D. Pa. Jan. 6, 2017); *Gregorio-Chacon v. Lynch*, 2016 WL 6208264 (D.N.J. Oct. 24, 2016); *Damus v. Tsoukaris*, 2016 WL 4203816 (D.N.J. Aug. 8, 2016); *Bautista v. Sabol*, 862 F. Supp. 2d 375, 377 (M.D. Pa. 2012); *Maldonado v. Macias*, 150 F.Supp.3d 788 (W.D. Tex. 2015).
23. The ability to apply for humanitarian parole under 8 U.S.C. 1182(d)(5)(A) does not provide due process for noncitizens detained under § 1225(b). Parole does not provide a neutral forum to contest the necessity of ongoing detention. Instead, it is a purely discretionary process, administered by the jailer. Neither the detained noncitizen nor counsel are provided an in-person hearing to contest facts leading to the parole decision. And no review of that decision is available. *See Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013) (*describing parole process*).
24. Moreover, release on parole is only available for “urgent humanitarian reasons or significant public benefit,” 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(b). Neither of those criteria evaluate the constitutionally permissible rationales for continued, prolonged detention during removal proceedings: whether the detained noncitizen is a flight risk or danger to her community. *See R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 188 (D.D.C. 2015) (“The *Zadvydas* Court clearly identified a pair of interests that can, under certain circumstances, suffice to justify the detention of noncitizens awaiting immigration

proceedings: ‘preventing flight’ and ‘protecting the community’ from aliens found to be ‘specially dangerous.’”) (citing *Zadvydas v. Davis*, 533 U.S. at 690–92)).

25. Finally, parole was also available to inadmissible noncitizens who challenged prolonged detention under § 1226(c). Yet every Court of Appeals to consider § 1226(c) has nonetheless ruled it limited to a reasonable period by the Due Process Clause. The ability to apply for parole is therefore an inadequate substitute for due process.
26. Petitioner’s prolonged, indefinite detention under § 1225(b) violates the Fifth Amendment by depriving him of liberty without due process of law. This Court should therefore order his release, with appropriate conditions of supervision if necessary. *See, e.g., Nadarajah v. Gonzales*, 443 F.3d 1069, 1084 (9th Cir. 2006); *Madrane v. Hogan*, 520 F.Supp.2d 654 (M.D. Pa. 2007); *Victor v. Mukasey*, 2008 WL 5061810 (M.D. Pa. Nov. 25, 2008); *Nunez–Pimentel v. U.S. Dep’t of Homeland Security*, 2008 WL 2593806 (M.D. Pa. June 27, 2008) (ordering release from prolonged detention pending removal proceedings).

SECOND CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT § 235(b), 8 U.S.C. § 1225(b)

27. Petitioner re-alleges and incorporates by reference the paragraphs above.
28. Under the statutory interpretation doctrine of constitutional avoidance, the Court should construe § 1225(b) as limited to a reasonably brief period, extendable only if the government shows justification for detention at a bond hearing.
29. Though the government’s interpretation of § 1225(b) as permitting indefinite mandatory detention is unconstitutional, “[w]hen the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle

that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided.” *Crowell v. Benson*, 285 U.S. 22, 62 (1932); *see also Zadvydas*, 533 U.S. 678 at 689 (citing *Crowell*). This doctrine of statutory interpretation is known as constitutional avoidance.

30. “[T]he Supreme Court has instructed that, where one possible application of a statute raises constitutional concerns, the statute as a whole should be construed through the prism of constitutional avoidance.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1141 (citing *Clark v. Martinez*, 543 U.S. 371, 380 (2005)). “Thus, the dispositive question is not whether the government’s reading of § 1225(b) is permissible in some (or even most) cases, but rather whether there is any single application of the statute that calls for a limiting construction.” *Id.*

31. In *Martinez*, the Court analyzed § 1231(a)(6), a statute it had previously read as a matter of constitutional avoidance to limit mandatory detention after the conclusion of removal proceedings to a presumptively reasonable period of six months. *Zadvydas v. Davis*, 533 U.S. 678. The same statute applied to both admitted and inadmissible noncitizens, but the government argued that the same limit on detention did not apply to inadmissible noncitizens because they were not entitled to the same constitutional protections. *Martinez*, 543 U.S. at 380.

32. The text of the statute did not distinguish between the two classes, however, and “[t]o give these same words a different meaning for each category would be to invent a statute rather than interpret one.” *Id.* at 378. Because the same statutory text applied to both groups, and detention for more than six months raised constitutional concerns for at least the admitted noncitizens, every noncitizen subject to the statute was entitled to the same reading limiting

mandatory detention. “The lowest common denominator, as it were, must govern.” *Id.* at 380.

33. The government reads § 1225(b) to permit the prolonged detention without a bond hearing of all “arriving aliens,” 8 C.F.R. § 1.2., including both asylum seekers and certain lawful permanent residents (“LPR”) who depart the country and seek admission upon their return. *INA* § 101(a)(13)(C), 8 U.S.C. § 1101(a)(13)(C) (*identifying LPRs classified as arriving aliens when returning to the United States after travel abroad*); 8 C.F.R. § 1003.19(h)(2)(i)(B) (*depriving an immigration judge of jurisdiction over a bond hearing for arriving aliens in removal proceedings*).
34. As explained above in the First Claim for Relief, arriving asylum seekers are entitled to be free from arbitrary and capricious detention under the Due Process Clause. Even assuming *arguendo*, they were not, however, LPRs are entitled to due process in prolonged detention because “once an alien gains admission to our country and begins to develop the ties that go with permanent residence his constitutional status changes accordingly.” *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
35. In *Plasencia*, the Supreme Court ruled that an LPR seeking readmission after a trip abroad and charged as “excludable” (the former term of art for “inadmissible” under then-current immigration laws), could nonetheless “invoke the Due Process Clause on returning to this country . . .” *Id.* Because an LPR’s due process right is constitutional in nature, it may not be stripped by mere statutory designation as an “arriving alien.” See *Kwong Hai Chew v. Colding*, 344 U.S. 590, 600 (1953) (*in the case of a returning LPR, holding that “[f]rom a constitutional point of view, he is entitled to due process without regard to whether or not, for immigration purposes, he is to be treated as an entrant alien”*).

36. Section 1225(b) would therefore “raise a serious constitutional problem,” *Zadvydas*, 533 U.S. at 690, if read to deny a bond hearing to LPRs held as arriving aliens in prolonged detention. Thus, as a matter of constitutional avoidance, the statute must be read to require a bond hearing when detention becomes unreasonably prolonged. *Ricketts v. Simonse*, 2016 WL 7335675; *Arias v. Aviles*, 2016 WL 3906738 *4-*10.
37. Moreover, because the text of § 1225(b) does not distinguish between LPRs and other noncitizens charged as arriving aliens, LPRs are the statute’s “lowest common denominator,” 543 U.S. at 380. Section 1225(b) must therefore be read to grant all noncitizens held as arriving aliens the same due process protections afforded to LPRs in unreasonably prolonged detention. *Rodriguez v. Robbins*, 715 F.3d 1127, 1142-43, at *1; *Saleem v. Shanahan*, 2016 WL 4435246, at *3-*5.
38. The only Court of Appeals to address detention under § 1225(b) holds that it becomes unreasonably prolonged at six months. *Rodriguez*, 715 F.3d at 1144. Such a bright-line limit follows the practice of both the Supreme Court and Second Circuit of limiting mandatory immigration detention to the presumptively reasonable period of six months. *Zadvydas*, 533 U.S. at 701 (“We do have reason to believe . . . that Congress previously doubted the constitutionality of detention for more than six months.”); *Lora v. Shanahan*, 804 F.3d 601, 616 (2d Cir. 2015) (“[W]e hold that[] in order to avoid the constitutional concerns raised by indefinite detention, an immigrant . . . must be afforded a bail hearing before an immigration judge within six months of his or her detention.” This Court should therefore find that petitioner, whose mandatory detention exceeds six months, is entitled to a bond hearing.

39. Petitioner's detention is also unreasonably prolonged based on the facts and circumstances of her case, including the overall length of her detention, the promptness of proceedings, the complexity of the case, the reasonable foreseeability of continued, lengthy litigation, and the conditions of confinement. *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 474-478 (*outlining factors that govern when mandatory detention becomes prolonged*).
40. "[S]ometime after the six-month timeframe considered by *Demore*, and certainly by the time [a noncitizen] ha[s] been detained for one year," mandatory detention is unreasonable. *Id.* at 478.
41. Moreover, delay caused by "individual actions by various actors in the immigration system, each of which takes only a reasonable amount of time to accomplish, can nevertheless result in the detention of a removable alien for an unreasonable, and ultimately unconstitutional, period of time." *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 223.
42. The reasonableness of ongoing detention must also consider "whether an alien challenges aspects of the Government's case that present real issues, for example: a genuine factual dispute; poor legal reasoning; reliance on a contested legal theory; or the presence of a new legal issue." It is impermissible to "effectively punish these aliens for choosing to exercise their legal right to challenge the Government's case against them by rendering the corresponding increase in time of detention as reasonable." *Chavez-Alvarez*, 783 F.3d at 476.
43. The reasonable foreseeability of continued, lengthy litigation is also relevant to whether Blaidel's current detention is constitutional. *Id.* at 477-78 (*noting that the government "could have reasonably predicted that [the noncitizen's] appeal would take a substantial amount of time, making his already lengthy detention considerably longer"*).

44. Finally, this Court “cannot ignore the conditions of confinement.” *Id.* at 478. Where immigration detention takes place in a penal setting, prolonged detention is more likely to be unconstitutional. “Merely calling a confinement ‘civil detention’ does not, of itself, meaningfully differentiate it from penal measures. As the length of the detention grows, the weight given to this aspect of [a noncitizen’s] detention increases.” *Id.* (internal citations omitted).

45. Petitioner’s prolonged detention raises all these concerns. Blaidel has been detained for almost 12 months. His wife, who entered the United States with a parole has LPR status as does his daughter. Unfortunately, because Petitioner was unable to receive a parole like his wife and daughter, he has been detained without the possibility of bond. In fact, the ICE/Deportation Officer assigned to this matter failed to do any type of custody determination because of his arriving alien status. If the Officer were to do such determination and if he determined 0 bond status, Petitioner would have the ability to seek a redetermination with an immigration judge, a possibility that Petitioner does not have at this time.

46. Under either a bright-line rule or the facts and circumstances of this case, petitioner’s continued detention is unreasonably prolonged. This Court should therefore conduct a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) the Court considers alternatives to detention that could mitigate flight risk. *See Leslie v. Attorney Gen. of U.S.*, 678 F.3d 265, 271 (3d Cir. 2012) (stating that “Leslie’s appeal will be remanded to the District Court with instructions to conduct an individualized bond hearing as required by *Diop*”); *Rodriguez*, 804 F.3d 1060, 1086-89 (outlining constitutionally adequate procedural protections at a

prolonged detention bond hearing). In the alternative, the Court should order an immigration judge to conduct the bond hearing.

THIRD CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT § 236(a), 8 U.S.C. § 1226(a)

47. Petitioner re-alleges and incorporates by reference the paragraphs above.

48. As a matter of statutory interpretation, this Court should hold that § 1225(b) is limited to the period between a noncitizen's arrest as an arriving alien and the commencement of his removal proceedings before an immigration judge. Such an interpretation is supported by the text, purpose, and overall construction of the statute, the doctrine of constitutional avoidance, and the government's own practice of limiting mandatory detention of other recently arrived noncitizens to the period before removal proceedings commence. The Court should therefore find that petitioner's detention pending removal proceedings is authorized not by § 1225(b), but by the discretionary detention statute at § 1226(a), entitling petitioner to an immediate bond hearing before an immigration judge.

49. The plain text of § 1225(b) mandates detention of arriving aliens only for the period between their arrest and before they are referred to an immigration judge for removal proceedings. The two subsections of § 1225(b) at issue here permit detention only "*for* further consideration of the application for asylum," 8 U.S.C. § 1225(b)(1)(B)(ii) and "*for* a proceeding . . ." *Id.* § 1225(b)(2)(a). Neither provision governs detention beyond that point, much less pending completion of removal proceedings. *See Webster's Third New International Dictionary* 886 (1993) (defining "*for*" to mean "*as a preparation toward . . . or in view of*"). Pending removal proceedings, detention is authorized by section 1226(a),

entitling Blaidel to a bond hearing. *See Matter of X-K-*, 23 I. & N. Dec. at 731 (“Immigration Judges have custody jurisdiction over aliens in . . . removal proceedings”)

50. Where Congress intended to authorize detention pending completion of an administrative proceeding, it unambiguously said so. *See 8 U.S.C. § 1225(b)(1)(B)(iii)(IV)* (stating that a noncitizen “shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed”); *id.* § 1226(a) (“an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States). (emphasis added). *Cf. Ratzlaf v. United States*, 510 U.S. 135, 143 (1994) (“A term appearing in several places in a statutory text is generally read the same way each time it appears.”).

51. “Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.” *Nken v. Holder*, 556 U.S. 418, 430 (2009) (internal citations and alterations omitted). This is “particularly true here” where the provisions at issue were “enacted as part of a unified overhaul” of the statute under *the Illegal Immigration Reform and Immigrant Responsibility Act of 1996*. *Id.* at 430-31.

52. The overall construction of the statute also supports a reading that limits § 1225(b) detention to the period before removal proceedings commence. *Cf. United States v. Witkovich*, 353 U.S. 194, 199 (1957) (“A restrictive meaning for what appear to be plain words may be indicated by the Act as a whole”). Section 1225 is titled “Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.” Section 1225(b) is titled “Inspection of Applicants for Admission.” The subsections at issue here are titled “Asylum Interviews: Referral of certain aliens,” 8 U.S.C. § 1225(b)(1)(B)(ii), and

“Inspection of other aliens: In general,” *id.* § 1225(b)(2)(A). By their plain language, none of these sections address detention authority pending removal proceedings. Rather, they address only detention pending inspection and referral to subsequent removal proceedings. Authority for mandatory detention pending removal proceedings appears instead in 8 U.S.C. § 1226, in a section appropriately titled “Apprehension and detention of aliens.” That section does not authorize mandatory detention pending removal proceedings for arriving aliens.

53. Where Congress intended to authorize mandatory detention of arriving aliens past the inspection and referral process, it provided specific statutory authority to do so. In § 1225(b)(1)(B)(iii)(IV), titled “Mandatory Detention,” Congress provided for the detention of a noncitizen “pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.” If Congress had intended to subject all arriving aliens to mandatory detention beyond the inspection and referral process, the specific mandate in § 1225(b)(1)(B)(iii)(IV) would be superfluous. “It is a cardinal principle of statutory construction that a statute ought . . . to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.” *TRW, Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (*internal quotations omitted*).

54. Moreover, as explained above in the Second Claim for Relief, the doctrine of constitutional avoidance requires this Court to “first ascertain whether a construction of the statute is fairly possible by which the [constitutional] question may be avoided.” *Crowell v. Benson*, 285 U.S. 22, 62. Considering the text and overall construction of § 1225(b), as discussed above, the statute may be fairly construed to limit mandatory detention to the period before removal proceedings commence. The Court must do so to avoid the constitutional question raised by the government’s reading.

55. Petitioner's interpretation of § 1225(b) also accords with the government's own practice of detaining other recent arrivals under § 1226(a) once they pass a credible fear interview and their removal proceedings have commenced. Both noncitizens who present themselves at the border and those who enter without inspection and are subsequently arrested near the border are initially detained under § 1225(b)(1)(B)(ii) for expedited removal proceedings. *See Matter of X-K-*, 23 I. & N. Dec. 731, 734.

56. Once the government determines that either arriving aliens or entrants without inspection have a credible fear of persecution, it refers them to non-expedited removal proceedings. Yet for entrants without inspection alone, the government detains under § 1226(a) once removal proceedings commence. *Id.* This entitles entrants without inspection, but not those who present themselves to an officer to seek asylum, to an immediate bond hearing or at least to a determination of bond by the ICE officer.

57. The text of § 1225(b) does not distinguish between entrants without inspection and those who, like petitioner, present themselves at the border. It therefore must be construed consistently to be limited to the period before removal proceedings commence. *Clark v. Martinez*, 543 U.S. at 378 (“To give these same words a different meaning for each category would be to invent a statute rather than interpret one.”).

58. Finally, a construction of § 1225(b) as limited to before commencement of removal proceedings avoids the absurd result of incentivizing entry without inspection. According to the government's reading of § 1225(b), Congress incentivized asylum seekers to enter without inspection rather than present themselves at the border by providing access to bond hearings during removal proceedings for only the first class. It is improbable that Congress intended such a result with § 1225(b), because the purpose of mandatory detention is

“preventing . . . aliens from fleeing prior to . . . their removal proceedings [.]” *Demore v. Kim*, 538 U.S. 510, 527–28, not avoiding removal proceedings altogether by entering without inspection.

59. This Court should therefore hold that petitioner’s detention pending removal proceedings is governed by § 1226(a), entitling her to a bond hearing upon request before an immigration judge.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue a Writ of Habeas Corpus ordering respondents to release petitioner immediately, on reasonable conditions of supervision if necessary;
- 3) In the alternative, conduct a bond hearing or remand to the immigration judge for a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) alternatives to detention that could mitigate flight risk are considered;
- 4) In the alternative, hold that petitioner’s detention is governed by 8 U.S.C. § 1226(a), entitling petitioner to a bond hearing upon request before an immigration judge;
- 5) Award petitioner his costs and reasonable attorneys’ fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, other statute; and
- 6) Grant such further relief as the Court deems j
- 7) Just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 4th, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record pro se parties identified on the attached service list in the manner specified, either via transmission of Notices of Electronic filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically notices of Electronic Filing.

A handwritten signature in blue ink, appearing to read 'Greg Chonillo', is written above a horizontal line.

Greg Chonillo, Esquire

Fla. Bar: 0298300

Chonillo Law Group, LLC.

121 Alhambra Plaza, STE 1500

Coral Gables, Florida 33134

Telephone: 786.485.9677

Facsimile: 1888.974.3182

gregchonillo@gmail.com

Dated: February 4th, 2026

Exhibit A

Uploaded on: 3/19/2022 at 8:20:07 a.m. (Central Daylight Time) Base City: MIA

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject

File No.

In the Matter of:

BLA DEL MARI N RAMOS

Respondent:

currently residing at:

(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 CLBA and a citizen of CLBA;
3. You arrived in the United States at or near CALEX CO CA, on or about March 13, 2022;
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:

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.

- ☐ 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:

333 SOUTH MIAMI AVE, STE 700 Miami FL US 33130

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

on August 14, 2024 at 08:00 AM to show why you should not be removed from the United States based on the

(Date) (Time)

charge(s) set forth above.

PEDRO ARREDONDO

ACTING WATCH COMMANDER

(Signature and Title of Issuing Officer) (Sign in ink)

Date: March 18, 2022

Indio, California

(City and State)

EOIR - 1 of 9

Uploaded on: 3/19/2022 at 8:20:07 a.m. (Central Daylight Time) Base City: MIA

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.

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) (Sign in ink)

Border Patrol Agent

Date: 03/18/2022

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 18, 2022, 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) (Sign in ink)

TUAN NGUYEN Border Patrol Agent

(Signature and Title of officer) (Sign in ink)

EOIR - 2 OF 9

Uploaded on: 3/19/2022 at 8:20:07 a.m. (Central Daylight Time) Base City: MIA
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/doi-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.

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name:

[REDACTED]

A-File Number:

[REDACTED]

Date: 03/ 18/ 2022

Event ID:

[REDACTED]

Subject ID:

[REDACTED]

FIN:

[REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☒ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

PEDRO ARREDONDO

Name and Signature of Authorized Officer

03/ 18/ 2022 1958

Date and Time of Custody Determination

ACTI NG WATCH COMMANDER

Title

IND I O BORDER PATROL STATI ON, I NDI Q CA

Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☐ I do request an immigration judge review of this custody determination.
- ☒ I do not request an immigration judge review of this custody determination.

Signature of Alien

03/ 18/ 2022

Date

The contents of this notice were read to BLAIDEL MARIN-RAMOS in the SPANI SH language.
(Name of Alien) (Name of Language)

NGUYEN, TUAN

Name and Signature of Officer

FREE ONLI NE SERVI CES

Name or Number of Interpreter (if applicable)

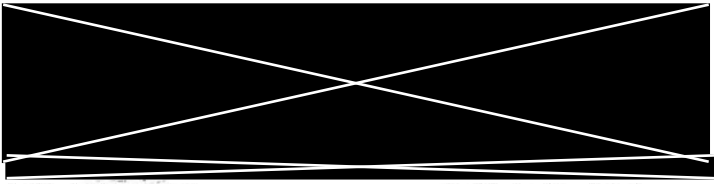
Border Pat rol Agent

Title

U.S. Department of Homeland Security

Subject ID

Record of Deportable/Inadmissible Alien

Family Name (CAPS) MARI N- RAMOS, BLAI DEL		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship CUBA	Passport Number and Country of Issue [REDACTED]		File Number [REDACTED]	Height 71	Weight 185	Occupation LABORER	
U.S. Address [REDACTED]				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 03/13/2022, 1223, .06 mile(s) Wof CAL, AF00T				Passenger Boarded at [REDACTED]			
Number, Street, City, Province (State) and Country of Permanent Residence CU DATE RI Q CUBA				F.B.I. Number [REDACTED] ☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth [REDACTED] Age: 24		Date of Action 03/18/2022		Location Code ELC/ CAX			
City, Province (State) and Country of Birth CU DATE RI Q CUBA		AR ☐ Form: (Type and No.) ☐ Lifted ☐ Not Lifted ☐		At/Near CALEX CO CA		Date/Hour 03/13/2022 1226	
NIV Issuing Post and NIV Number		Social Security Account Name		By FI DEND O RI CS JR		Status at Entry PWA Mexi co	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S. AT ENTRY		Status When Found TRAVEL/ SEEKING	
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children	
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None claimed		Fingerprinted? ☐ Yes ☐ No		Systems Checks		Charge Code Words(s) I 6A	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment		Salary Hr		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 entry.) FI NS #: 1317857522 177 # [REDACTED]							
							
Left Index Print		Right Index Print					
CREDIBLE FEAR CLAIM							
ARREST COORDINATES: ----- Latitude: 32.664883 Longitude: -115.500031							
CONSEQUENCE DELIVERY SYSTEM ----- Classification: FI RA							
Alien has been advised of communication privileges				03/18/2022 (Date/Initials)			
Distribution:				TUAN NGUYEN Border Patrol Agent (Signature and Title of Immigration Officer)			
Received: (Subject and Documents) (Report of Interview)				Officer: TUAN NGUYEN			
on: March 18, 2022 at 1648 (time)				Disposition: Notice to Appear Released (I-862)			
Examining Officer: JUAN SANTELES							

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

EOIR - 5049

U.S. Department of Homeland Security Continuation Page for Form 1213

Alien's Name MARIN RAMOS, BLAI DEL	File Number 	Date 03/18/2022
---------------------------------------	---	--------------------

SCARS, MARKS, AND TATTOOS

TATTOO CHEST RIGHT, TATTOO LEFT WRIST

FATHER NAME AND ADDRESS

Nationality: CUBA VLADIMIR

MOTHER NAME AND ADDRESS

Nationality: CUBA BLANCO ROSA

CUSTODY REDETERMINATION

CRLS

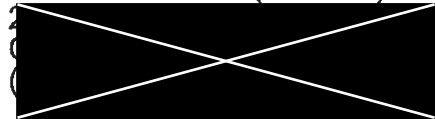
FUNDS IN POSSESSION

.00

NARRATIVE

POINT OF CONTACT IN THE UNITED STATES

PLACEMINE MARIN (SIBLING)



ENCOUNTER

Border Patrol Agent FIDENCORIOS JR encountered BLAI DEL MARIN RAMOS in the El Centro Sector's area of responsibility, and determined the subject had unlawfully entered the United States of America from Mexico, at a time and place other than as designated by the United States Attorney General. After determining that MARIN RAMOS was an alien who illegally entered the United States, the subject was arrested and transported to the Indio Border Patrol Station for further processing using the E3/IDENT and IAFIS systems.

IMMIGRATION CRIMINAL VIOLATION

At the El Centro Border Patrol Station, MARIN RAMOS was advised of his administrative rights and acknowledged understanding these rights. MARIN RAMOS stated that he is a citizen and national of Cuba without the necessary legal documents to enter, pass through, or remain in the United States. The subject also stated he illegally crossed the international boundary without being inspected by an Immigration Officer at a designated

Signature TUAN NGUYEN	Title Border Patrol Agent
--------------------------	------------------------------

EOIR - 6 of 9

U.S. Department of Homeland Security

Continuation Page for Form I 213Alien's Name
MARIN RAMOS BLAI DEL

File Number

Date
03/ 18/ 2022

Port of Entry.

CONSULAR NOTIFICATION

MARIN RAMOS was notified of his right to communicate with a consular officer from Cuba as per Article 36(a)(b) of the Vienna Convention of Consular Relations. MARIN RAMOS acknowledged understanding the right but declined to speak with anyone at this time. MARIN RAMOS further stated that he does fear persecution or torture if returned to his country of citizenship.

DISPOSITION

USEP at IDO determined that MARIN RAMOS does not appear to be a threat to national security, or public safety, and forwarded MARIN RAMOS administrative A-file (Single Adult) to ERO Los Angeles for legal sufficiency review (LSR) on March 14, 2022. Upon LSR approval, ERO Los Angeles served MARIN RAMOS with an Order of Recognizance, Form I-220A, with enrollment in the Alternatives to Detention program pending immigration removal proceedings.

ERO Los Angeles provided MARIN RAMOS with a Change of Address/Contact Information Form Immigration Court, Form EOIR-33/IC, and instructed MARIN RAMOS to provide a copy of the completed form to the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Office of the Principal Legal Advisor by mail, delivered in-person or through the DHS ICE eService Portal within five (5) working days of the change of his contact information.

The subject was apprehended 0.06 miles west of the Cal exico POE

Subject is a Priority 2

Subject stated he/she unlawfully entered the U.S. near Cal exico, California on 03/13/2022.

MARIN RAMOS claiming to be citizen of Cuba.

MARIN RAMOS claims and appears to be in good health.

MARIN RAMOS will be released on their own recognizance due to a lack of bed space.

IMMIGRATION HISTORY:

CRIMINAL HISTORY: Subject does not have any criminal history. (FBI

Signature

TUAN NGUYEN

Title

Border Patrol Agent

3 of 3 Pages

U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [REDACTED]
Event ☒ [REDACTED]
Date: March 18, 2022
FI NS # [REDACTED]

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
BLAI DEL MARI N RAMOS

(Full name of alien)

an alien who entered the United States at or near CALEXI CO, CALI FORNIA on
(Port)
March 13, 2022
(Date) is within the country in violation of the immigration laws and is

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

(Signature of Designated Immigration Officer)
PEDRO ARREDONDO

(Print name of Designated Immigration Officer)

ACTI NG WATCH COMMANDER

(Title)

Certificate of Service

Served by me at I NDI Q, CALI FORNIA on March 18, 2022 at 04: 51 PM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

TUAN NGUYEN

(Signature of officer serving warrant)

BORDER PATROL AGENT

(Title of officer serving warrant)

Form I-203 (Rev. 03/01/07) N

Uploaded on: 3/19/2022 at 8:20:07 a.m. (Central Daylight Time) Base City: MIA

U.S. Department of Homeland Security

Order of Release on Recognizance

File No.

Date:

Event:

Name: BLAI DEL MARI N RAMOS

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☐ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☐ You must surrender for removal from the United States if so ordered.

☐ You must report in (writing) (person) to _____
(Name and Title of Case Officer)
at _____ on _____ at _____
(Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☐ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☐ You must not violate any local, State, or Federal laws or ordinances.

☐ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

(Signature of DHS Official)

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal. _____
(Signature of Immigration Officer Canceling Order) (Date)

EOIR - 9 of 9

Exhibit B



Official Website of the U.S. Department of Homeland Security



RedDot

[Main Menu](#)

[SEARCH TO RESULTS](#)

Facility Page

Detention Information For:

BLAIDEL MARIN-RAMOS

Country of Birth: Cuba

A-Number: 

Current Detention Facility:

CIBOLA COUNTY CORRECTIONAL CENTER

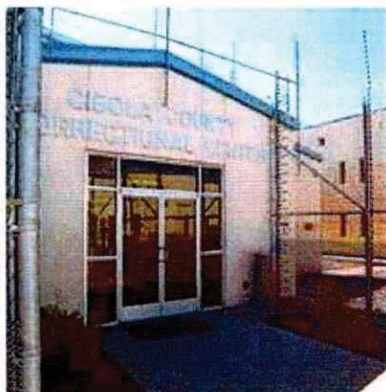
2000 Cibola Loop

PO Box 3540

Milan, NM 87021

Visitor Information: (505) 452-4702

[VIEW MORE INFORMATION](#)



[Privacy](#) - [Terms](#)

U.S. Department of Homeland Security
 Immigration and Customs Enforcement

Notice to EOIR: Alien Address

DATE: 09/07/2025

TO: OFFICE OF THE IMMIGRATION JUDGE
 Executive Office for Immigration Review
 8915 Montana Ave.
 El Paso, Texas 79925

FROM: El PasoCamp East Montana
 6920 Digital Road
 El Paso, Texas 79936

RESPONDENT: Marin-Ramos, Blaidel

A#

This to notify you that this respondent is:

His/her anticipated release date is:

☒ Detained by ICE at: El Paso Camp East Montana, El Paso, Texas 79936

☐ Detained by ICE and was transferred this date to another location of detention at:

ICE Motion for Change of Venue attached. ☐ Yes ☒ NO

☐ Released from ICE custody on the following condition(s):

☐ Personal Recognizance

☐ Order of Recognizance (Form I-220A)

☐ Bond in the amount of \$

☐ Surety ☐ Cash

☐ Other

☐ Upon release from ICE custody, the respondent reported his/her address and telephone number will be:

Cassandra Marcee

Signature-ICE Officer

C. Marcee

Printed Name of ICE Officer

Deportation Officer

Title-ICE Officer

El Paso, Texas

Location

Exhibit B



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
EL PASO SPC IMMIGRATION COURT

Respondent Name:

MARIN-RAMOS, BLAIDEL

To:

Chonillo, Gregory Victor
121 Alhambra Plaza suite 1500
coral gables, FL 33134

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

09/11/2025

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
No jurisdiction per Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).

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

☐ Other:

Exhibit B

