IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTANTINO MORALES REYES,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 2:26-2047
	:	Joseph F. Leeson
J.L. JAMISON, *et al.*	:	United States District Judge
	:	
Respondents.	:	

PETITIONER'S SUPPLEMENTAL SUBMISSION REGARDING PETITIONER'S IMMIGRATION STATUS

Pursuant to the Court's Order dated April 14, 2026 (ECF No. 7), Petitioner provides the following supplemental information to address the areas of inquiry set forth in the Court's Order.

a. **Whether Petitioner was previously apprehended, arrested, detained, or paroled into the United States (even temporarily)**

Petitioner was not previously apprehended, arrested, detained, or paroled into the United States prior to his arrest on March 27, 2026.

b. Whether and to what extent DHS was aware of petitioner's crossing into the United States and living here

Petitioner had no prior encounters with DHS, and thus Petitioner has reason to believe that DHS was unaware of Petitioner's entry into the United States and residency in the country prior to his arrest on March 27, 2026.

c. Whether Petitioner ever applied for legal residency, U.S. citizenship, or asylum

Petitioner has not previously applied for lawful status in the United States. If Petitioner is placed in removal proceedings and provided with an opportunity to

seek relief from removal, Petitioner will pursue any meritorious pathways that he has to obtaining lawful status in the United States.

d. Whether removal proceedings were ever initiated, and the status thereof, if any

Removal proceedings have not been initiated against Petitioner.

e. The details or language of any "voluntary departure order" signed by Petitioner

Respondents have submitted a copy of the voluntary departure order signed by Petitioner on March 27, 2026. *See* ECF No. 2.

f. To what extent this supplemental information affects, or may affect, Petitioner's current status, immigration proceedings, and/or removal proceedings, if any

As set forth in the Petition for a Writ of Habeas Corpus (ECF No. 1), Respondents caused Petitioner to involuntarily waive his right to a removal hearing, as provided in 8 U.S.C. § 1229a, when he was made to sign the voluntary departure order under duress. ECF No. 1 at ¶¶ 61-62. This occurred on March 27, 2026, the same day that Mr. Morales Reyes was detained. ICE officials told Petitioner that it would cost him more than $5,000 to consult with an attorney. *Id.* This baseless misrepresentation coupled with Respondents' decision to unlawfully detain Mr. Morales Reyes without a possibility of bail in violation of 8 U.S.C. § 1226(a); ECF No. 1, ¶ 42-44, made the circumstances inherently coercive. Had Petitioner been advised by counsel that he would have the opportunity to seek bail and evaluate his immigration relief options prior to a full hearing, he would not have signed a voluntary departure order. Petitioner has requested that the DHS withdrawal the

voluntary departure because it was not executed knowingly and voluntarily. Exh. A (email to ICE).

Moreover, the voluntary departure order was not executed by a DHS official authorized to enter such an order by the regulations. *See* 8 C.F.R. § 240.25(a). The pertinent regulation authorizes "district directors, assistant district directors for investigations, assistant district directors for examinations, officers in charge, chief patrol agents, the Deputy Executive Associate Director for Enforcement and Removal Operations, the Director of the Office of Juvenile Affairs, service center directors, and assistant service center directors for examinations" to execute voluntary departure agreements with noncitizens. *Id.* The order signed by Petitioner lists an "Acting SDDO" as the "Authorized DHS Official." ECF No. 8-2. SDDO stands for Supervisory Detention and Deportation Officer. "ICE Air Operations Handbook", U.S. Immigration and Customs Enforcement, *available at* *https://www.ice.gov/doclib/foia/policy/iceAirOpsHandbookEd1_09012015.pdf* (last visited April 17, 2026). Supervisory Detention and Deportation Officers, let alone *acting* SDDOs are not authorized under the regulations to issue voluntary departure orders. Accordingly, the Court should conclude that the March 27, 2026 voluntary departure order was issued in violation of the INA's regulations and cannot serve as the basis for Petitioner's detention.[1]

[1] Having recently discovered this regulatory violation, Petitioner intends to amend the Petition for a Writ of Habeas Corpus to include a claim setting forth how the execution of the voluntary departure order does not comport with the INA's regulations.

Dated: April 17, 2026

Respectfully submitted,

/s/Christopher P. Setz-Kelly
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Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of this Supplemental Submission Regarding Petitioner's Immigration Status, which has been electronically filed and is available for viewing and downloading from the Court's ECF system, to be served upon all parties of record.

Dated: April 17, 2026

/s/Christopher P. Setz-Kelly
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Pro Bono Counsel for Petitioner

EXHIBIT A

Gmail

Chris Setz-Kelly <csetz@hiaspa.org>

Withdrawal of Voluntary Departure, A[redacted]

Chris Setz-Kelly <csetz@hiaspa.org> Tue, Apr 14, 2026 at 4:26 PM
To: "Philadelphia.Outreach" <Philadelphia.Outreach@ice.dhs.gov>
Cc: "john.rife@ice.dhs.gov" <john.rife@ice.dhs.gov>, "brian.mcshane@ice.dhs.gov" <brian.mcshane@ice.dhs.gov>, "david.c.oneill@ice.dhs.gov" <david.c.oneill@ice.dhs.gov>

Good afternoon,

My client Constantino Morales Reyes (A[redacted] is currently detained at FDC. A habeas corpus petition is currently pending in the District Court for the Eastern District of Pennsylvania.

Mr. Morales Reyes was detained on March 27, 2026. That same day ICE officials asked him to sign voluntary departure paperwork. Mr. Morales Reyes was not provided with an opportunity to speak with an attorney before signing the paperwork. He was informed by an ICE official that it would cost him at least $5,000 to consult with an attorney.

Mr. Morales Reyes did not intend to waive his right to a removal hearing. Please accept this email as a request to withdrawal the voluntary departure order.

Thank you,

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HIAS PENNSYLVANIA

Chris Setz-Kelly (he/him)
Managing Attorney
HIAS Pennsylvania

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phone number | 215-346-8069

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Mailing Address: PO Box #8688, Philadelphia, PA 19101

How to get help: HIAS PA sees clients by appointment only. To open a new case call 215-832-0900.
Intake hours: Wednesday • 9:30 AM - 12:00 PM or Thursday • 2:00 PM - 4:30 PM

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