UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AUNER JETZAEL GARCIA DE LA CRUZ Petitioner, v. MARKWAYNE MULLIN, in his Official Capacity, Secretary of the U.S. Department of Homeland Security; TODD BLANCHE, in his Official Capacity, Acting Attorney General of the United States; CAMMILLA WAMSLEY, in her Official Capacity as Philadelphia Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; J.L. JAMISON, in his Official Capacity as Warden of Federal Department of Corrections Philadelphia, Respondents.	No. 26-2442 (Judge Sanchez) **No Request for Oral Argument** **REPLY TO RESPONSE**

On April 16, the government submitted its Response to the Petition. It asserts that this is a "*Q Li*" case (p 3). Petitioner believes this is, in fact, more properly considered a "*Hurtado*" case as the individual entered "WI - Without Inspection" in 2016. *See Exhibit A at 1*. Regardless, the government recognizes that "courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer 'seeking admission.'"

Petitioner has been living in the U.S. for a decade without any encounters with law enforcement or immigration authorities after arriving as an unaccompanied alien child. He is married with a fixed address. He was detained without any particularized reason beyond his immigration status. Now the government seeks to hold him indefinitely without the possibility of applying for bond. Petitioner is precisely the individual that all courts (to Counsel's knowledge) in this District have found to be detained under the improper category by the government after an abrupt change to nearly 30 years of consistent application of the law.

This case is no different from the hundreds of similar cases in the EDPA in which similarly situated Petitioners have been granted relief. As in those cases, we request that this Court Order IMMEDIATE RELEASE. Another possible remedy would be ordering a bond hearing in Immigration Court. But it would be an inadequate remedy. Sadly, Bond Hearings can no longer be said to occur before a "neutral immigration judge." IJ's who previously considered the facts and law and applied individualized judgment to each case now regularly respond to Habeas grants by reflexively denying bond or setting bond so high that no individual can pay.

Individuals who have been in the U.S. for 30 years with a potential 42B cancellation of removal application? Flight risk because no one can predict the future. Individuals who have a

strong asylum claim with documented police and medical records? Flight risk because all forms of relief are speculative.

Perhaps more troubling, whereas IJ's used to set bond in reasonable amounts such as $5,000 or $8,000, many IJ's overseeing detained dockets seem to be in competition over which IJ can set the highest bond. Counsel has had clients and/or seen others attorneys' clients whose bond amounts have been set at $40,000. Bond Hearings have become, variously, denial factories and target practice for debtors' prison tactics. An increasing number of IJ's seem to be aware of (and perhaps even embarrassed by?) their behavior. Many IJ's no longer allow all attorneys into their WebEx rooms at a time, as was the custom for the "cattle call" method of taking cases for Master Calendar and Bond Hearings. Instead, each attorney is let in one at a time, randomly when the particular case is called, over the course of several hours; no advance order is given so attorneys must sit and wait until they are abruptly admitted to the WebEx. When one's hearing concludes, they are removed and the next attorney is let in. In an atmosphere where IJ's are seeking to preserve their jobs, surely they are aware that they must demonstrate obeisance to the Executive Branch, lest they be the next IJ fired for "unfavorable" grant rates and replaced by a JAG attorney with zero training or experience in Immigration Law.

Through this method, IJ's are empowered to abuse their discretion without fear that there are witnesses. DHS and OPLA reflexively accuse any complaining attorney of being a "sore loser." How can one even seek to reveal what is happening at the macro level in Immigration Court when a veil of secrecy has been lowered. Famous for his quote "Sunshine is the best disinfectant," what would Supreme Court Justice Louis Brandeis say about this practice? Probably that darkness breeds rot. And he would be correct.

For these reasons, we believe only IMMEDIATE RELEASE can ensure that a grant of this Petition carries out the meaning of this Court's Order. If the result is that a Bond Hearing is ordered, it will invite another IJ to functionally defy this Court's Order.

We respectfully call for Petitioner's IMMEDIATE RELEASE.

Dated: April 16, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
R&G Legal Solutions
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Philadelphia, PA 19140
215.779.6443
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U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
GARCIA-DE LA CRUZ,	AUNER	JETZAEL

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	LBR

Country of Citizenship	Passport Number and Country of Issue	File Number
GUATEMALA		[redacted]

Height	Weight	Occupation
66	130	CONSTRUCTION

U.S. Address: [redacted], UNITED STATES

Scars and Marks:

Date, Place, Time, and Manner of Last Entry: 12/13/2016 16:35, HID, WI-Without Inspection

Passenger Boarded at:

F.B.I. Number: [redacted]

Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence:

Method of Location/Apprehension: NCA

Date of Birth	Date of Action	Location Code	At/Near	Date/Hour
[redacted] Age: 26	04/13/2026	PHI/PHI	See I-831	04/13/2026 08:59

City, Province (State) and Country of Birth: PETEN SAYAXCHE, GUATEMALA

AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐

By: ALHAJI TUNKARA

NIV Issuing Post and NIV Number:

Social Security Account Name:

Status at Entry:

Status When Found:

Date Visa Issued:

Social Security Number:

Length of Time Illegally in U.S.:

Immigration Record: NEGATIVE

Criminal Record:

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate):

Number and Nationality of Minor Children: None

Father's Name, Nationality, and Address, if Known:

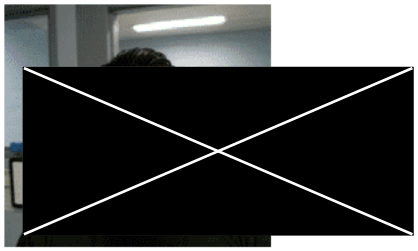
Mother's Present and Maiden Names, Nationality, and Address, if Known:

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted?	Systems Checks	Charge Code Words(s)
None Claimed	☒ Yes ☐ No	See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
See Narrative	See Narrative	Hr	04/13/2026

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



Body Worn Camera (BWC) Information

BWC footage was recorded for this enforcement activity.

FAMILY INFORMATION

Father:Subject has not provided information for Father.
Mother:Subject has not provided information for Mother.
Spouse:Subject is not married.
Child:Subject does not have children or dependents. ...(CONTINUED ON I-831)

ALHAJI TUNKARA
Deportation Officer

Alien has been advised of communication privileges _____ (Date/Initials) (Signature and Title of Immigration Officer)

Distribution:

FILE

STAT

OFFICER

Received: (Subject and Documents) (Report of Interview)

Officer: ALHAJI TUNKARA

on: April 13, 2026 (time)

Disposition: Warrant of Arrest/Notice to Appear

Examining Officer: MCCALLION, PATRICK

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
GARCIA-DE LA CRUZ, AUNER JETZAEL	[redacted] Event No: [redacted]	04/13/2026

SUBJECT HEALTH STATUS

The subject claims good health.

CURRENT CRIMINAL CHARGES

04/13/2026 - 8 USC 1227 - DEPORTABLE ALIEN

CURRENT ADMINISTRATIVE CHARGES

04/13/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)04/13/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

AFIS checked on 04/13/2026 with Positive result.EARM checked on 04/13/2026 with Positive result.NCIC checked on 04/13/2026 with Positive result.CLAIM checked on 04/13/2026 with Negative result.

NAME AND ADDRESS OF US EMPLOYER

UNKNOWN, UNKNOWN PHILADELPHIA, PENNSYLVANIA, 19100, UNITED STATES

TYPE OF EMPLOYMENT

Operators, Fabricators, and Laborers

ARRESTED AT/NEAR

7200 OAKLAND ST, PHILADELPHIA, PENNSYLVANIA, 191491213, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

ENCOUNTER

On April 13, 2026, at approximately 0810 hours, officers from ERO/ICE Philadelphia and BP United States Border Patrol conducted surveillance at a target house of [redacted] Philadelphia, PA. At approximately 0820, a male matching the description of the target exited the target address and entered a [redacted]. Officers conducted a safe vehicle stop and approached the driver. BPA and ERO identified themselves as ICE and wore fully marked ICE/Police clothing and protective vests. Officers questioned the driver as to his identity and alienage. The driver freely stated his name was GARCIA-De La Cruz, Auner Jetzael and he was born in Guatemala. After further investigation with LESC, Mobile Query and Philadelphia Command Center, record checks indicate GARCIA-De La Cruz has no legal status within the United States (U.S.) and entered without inspection or paroled into the U.S. by an immigration official. GARCIA-De La Cruz was served a Notice to appear (NTA) on 12/14/2016 ; and never appeared to the hearing. GARCIA-De La Cruz was taken into ICE custody and transported to the Philadelphia ERO Field Office for processing.

ALIENAGE AND REMOVABILITY
GARCIA-De La Cruz claims to be a citizen of GUATEMALA. GARCIA-De La Cruz claims to be born in GUATEMALA.
GARCIA-De La Cruz is not a citizen of the United States.

FAMILY HISTORY

Signature	Title
ALHAJI TUNKARA	Deportation Officer

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
GARCIA-DE LA CRUZ, AUNER JETZAEL	[redacted] Event No: [redacted]	04/13/2026

GARCIA-De La Cruz claims his father, JUAN DE LA CRUZ, was born in UNKNOWN and is citizen of GUATEMALA. GARCIA-De La Cruz denies his father has any ties to citizenship or legal status in the United States. GARCIA-De La Cruz claims his mother, CLARA GARCIA, was born in UNKNOWN and is a citizen of GUATEMALA. GARCIA-De La Cruz denies his mother has any ties to citizenship or legal status in the United States. GARCIA-De La Cruz has not asserted any claim to United States citizenship, nor do any records indicate that GARCIA-De La Cruz has obtained or derived such citizenship. GARCIA-De La Cruz claims to have one child in the United States.

GARCIA-De La Cruz claims to be Single. GARCIA-De La Cruz claims to have no minor children.

IMMIGRATION HISTORY
On December 13, 2016, GARCIA-De La Cruz attempted to enter the United States at/near Hidalgo, TX without admission or parole. GARCIA-De La Cruz was encountered by the U.S. Border Patrol, Rio Grande Valley Sector, and processed with a Notice to Appear (NTA), Warrant of Arrest, and charged with a violation of Section 212(a)(6)(A)(i) of the Immigration and Nationality Act. GARCIA-De La Cruz was served with Forms I-200, I-862, and released from custody pending a hearing with an immigration judge.

GARCIA-De La Cruz' NTA was never served on the court and a hearing date with an immigration judge was never assigned.

CRIMINAL HISTORY
GARCIA-De La Cruz does not have any known criminal record
GARCIA-De La Cruz does not have any outstanding wants or warrants.

HEALTH & HUMANITARIAN
GARCIA-De La Cruz denies any medical conditions.
GARCIA-De La Cruz denies the use of any prescription medications.
GARCIA-De La Cruz denies any significant humanitarian concerns and does not claim fear of returning to GUATEMALA.

PHONE CALL / CONSULAR NOTIFICATION
GARCIA-De La Cruz was offered a five minute telephone call. GARCIA-De La Cruz called UNKNOWN at 000-000-0000.
GARCIA-De La Cruz was offered and declined to contact the Consulate of GUATEMALA.

FOREIGN IDENTITY AND TRAVEL DOCUMENTS
At the time of arrest, GARCIA-De La Cruz was not in possession of any foreign identity documents.

INTEL
GARCIA-De La Cruz has no known scars or tattoos.
GARCIA-De La Cruz denies service in any branch of the U.S. military or any foreign military.
GARCIA-De La Cruz denies membership in any gang or criminal organization.

DISPOSTION
GARCIA-De La Cruz is subject to President Donald Trump's Executive Order titled, "Protecting the American People Against Invasion," signed on January 20, 2025.

GARCIA-De La Cruz was served a Notice to Appear ("NTA"). GARCIA-De La Cruz is charged with a violation of Section 212(a)(6)(A)(i)(I) and Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act as amended. GARCIA-De La Cruz will be detained without bond at this time. Officers provided GARCIA-De La Cruz with the most recent version of the EOIR free legal services list.

Signature	Title
ALHAJI TUNKARA	Deportation Officer

U.S. Department of Homeland Security **Continuation Page for Form I-213**

Alien's Name	File Number	Date
GARCIA-DE LA CRUZ, AUNER JETZAEL	[redacted] Event No: [redacted]	04/13/2026

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]

Signature	Title
ALHAJI TUNKARA	Deportation Officer

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CERTIFICATE OF SERVICE

On April 16, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: April 16, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld

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