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AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Northern District of Texas

Jonathan Celis Guzman
Petitioner

v.

Eden Detention Center
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 6:26-cv-232
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Jonathan Celis Guzman
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: Eden Detention Center (ICE Custody – prior to removal)
   (b) Address: 702 E Broadway St, Eden, TX 76837
   (c) Your identification number: A-Number [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   ICE detention and removal under federal immigration authority during the pendency of an administrative appeal.
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you:
   (b) Docket number of criminal case:
   (c) Date of sentencing:
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: Petitioner was detained by ICE and subsequently removed to Mexico while his appeal before the Board of Immigration Appeals remained pending.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☑ Other *(explain)*: Execution of a removal order by DHS during the pendency of a timely appeal before the Board of Immigration Appeals, in violation of 8 C.F.R. § 1003.6(a) and the Fifth Amendment.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations, Houston Field Office; Immigration Court, Conroe, Texas.

(b) Docket number, case number, or opinion number: A-number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Execution of Petitioner's removal to Mexico by DHS while a timely Notice of Appeal was pending before the Board of Immigration Appeals and while an automatic regulatory stay under 8 C.F.R. § 1003.6(a) was in effect.

(d) Date of the decision or action:

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☑ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Board of Immigration Appeals

(2) Date of filing: 12/13/2025

(3) Docket number, case number, or opinion number: A-Number [redacted]

(4) Result: Appeal remains pending. No decision has been issued.

(5) Date of result:

(6) Issues raised: Challenge to the Immigration Judge's November 14, 2025 removal order, including denial of asylum, withholding of removal, and protection under the Convention Against Torture.

(b) If you answered "No," explain why you did not appeal: The administrative appeal before the Board of Immigration Appeals remains pending and has not yet been decided.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

❒ Yes ❒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ❒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 08/24/2025

(b) Date of the removal or reinstatement order: 11/14/2025

(c) Did you file an appeal with the Board of Immigration Appeals?

☑ Yes ❒ No

If "Yes," provide:

(1) Date of filing: 12/13/2025

(2) Case number: A-Number [redacted]

(3) Result: Appeal remains pending.

(4) Date of result:

(5) Issues raised: Challenge to the Immigration Judge's November 14, 2025 removal order, including denial of asylum, withholding of removal, and CAT protection.

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Removal executed while administrative appeal was pending and automatically stayed.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner timely filed a Notice of Appeal to the Board of Immigration Appeals after the Immigration Judge issued a removal order on November 14, 2025. The appeal was accepted and remains pending. Petitioner did not waive appeal. Despite this, DHS executed Petitioner's removal to Mexico while the appeal was still pending.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☑ No

GROUND TWO: Violation of due process by depriving Petitioner of meaningful appellate review.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner had a statutory right to pursue administrative appeal before the Board of Immigration Appeals. By removing him from the United States while his appeal remained pending, DHS interfered with his ability to pursue that appeal and rendered the appellate process ineffective.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☑ No

GROUND THREE: Interference with right to counsel.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner was represented by counsel throughout removal proceedings. Counsel formally appeared before the Immigration Court and filed the Notice of Appeal. DHS executed removal without providing advance notice to counsel. Counsel learned of the deportation from Petitioner's family members and was not given an opportunity to seek emergency relief prior to removal.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☑ No

GROUND FOUR: Agency acted outside its authority by executing removal while appeal remained pending.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

At the time of removal, Petitioner's appeal had not been dismissed and no final decision had been issued by the Board of Immigration Appeals. The removal order was executed despite the pending appeal.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Petitioner was granted Deferred Action for Childhood Arrivals for over ten years and maintained employment authorization during that period. DHS had repeatedly exercised prosecutorial discretion in his favor. Removal during the pendency of an appeal failed to account for Petitioner's long-standing deferred action status and reliance on continued presence in the United States.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that the Court issue a writ of habeas corpus declaring the execution of his removal unlawful, order the Department of Homeland Security to facilitate his return to the United States, restore him to the legal posture that existed prior to removal, and grant any other equitable relief deemed appropriate.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06 04 2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form**. You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form**. You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals)*.

3. **Preparing the Petition**. The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents**. In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee**. You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court**. Mail your petition and 1 copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address**. You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Jonathan Celis Guzman A [redacted]

CERTIFICATE OF SERVICE

I hereby certify that on June 04, 2026 I served a copy of the AO 242 PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 on the Clerk's Office of the United States District Court:

Clerk of Court
United States District Court
33 E. Twohig Avenue, Room 202
San Angelo, TX 76903-6451

Dated: June 04, 2026

Respectfully Submitted,



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Jonathan Celis Guzman

A Number: [redacted]

PRO SE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Jonathan Celis Guzman Petitioner, v. WARDEN, Immediate Custodian, Eden Detention Center; PAUL A. MCBRIDE, Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, ICE ERO Houston Field Office; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the Department of Homeland Security; PAMELA BONDI, Attorney General of the United States. Respondents.	Case No. 6:26-cv-232 **PETITION FOR WRIT OF HABEAS CORPUS, PURSUANT TO 28 U.S.C. § 2241**

INTRODUCTION

1. Petitioner Jonathan Celis Guzman seeks relief under 28 U.S.C. § 2241 from an unlawful removal executed by the Department of Homeland Security ("DHS") while his administrative appeal was pending before the Board of Immigration Appeals ("BIA").

2. On November 14, 2025, an Immigration Judge in Conroe, Texas, issued a written decision denying Petitioner's applications for asylum, withholding of removal, and protection under the Convention Against Torture. The corresponding Order of the Immigration Judge was entered the same day.

3. Petitioner timely filed a Notice of Appeal to the BIA. The appeal was accepted for filing and remains pending in the Executive Office for Immigration Review system. At no time did Petitioner waive appeal.

4. Under federal regulation, "[e]xcept when certified to the Board or Attorney General, the decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed." 8 C.F.R. § 1003.6(a). When a timely appeal is filed, execution of the removal order is automatically stayed by operation of law.

5. Despite the pendency of that appeal, DHS executed Petitioner's removal to Mexico.

6. No written notice of removal was provided to counsel of record. Counsel learned of Petitioner's deportation only through family members. At the time of removal, Petitioner had a formally filed appeal pending before the BIA, and no order of dismissal had been entered.

7. Petitioner is not a recent entrant. He entered the United States at eight years old and has resided here continuously for more than two decades. He has been a recipient of Deferred Action for Childhood Arrivals ("DACA") for over ten years, as reflected in official approval notices issued by U.S. Citizenship and Immigration Services. DACA does not confer lawful status, but it is an exercise of prosecutorial discretion that authorizes deferred action and employment authorization during its validity period.

8. Petitioner was placed in removal proceedings pursuant to a Notice to Appear issued August 21, 2025. He was detained by ICE beginning August 24, 2025, at the Eden Detention Center in Texas. Throughout proceedings, he was represented by counsel, who formally appeared before the Immigration Court.

9. The issue presented here is narrow and constitutional in nature. Petitioner does not challenge the merits of the Immigration Judge's decision. Instead, he

challenges the government's execution of his removal during the pendency of a properly filed administrative appeal, in violation of 8 C.F.R. § 1003.6(a), and in violation of the Fifth Amendment's guarantee of due process of law.

10. The Supreme Court has long recognized that deportation proceedings must conform to principles of fair procedure. See *Bridges v. Wixon, 326 U.S. 135, 154 (1945)* (holding that deportation may result in the loss "of all that makes life worth living" and therefore requires scrupulous procedural safeguards). The Fifth Amendment applies to all "persons" within the United States, including noncitizens in removal proceedings. See *Reno v. Flores, 507 U.S. 292, 306 (1993)*; *Mathews v. Diaz, 426 U.S. 67, 77 (1976)*.

11. By removing Petitioner while his appeal remained pending, DHS extinguished his statutory right to meaningful administrative review. The removal rendered the regulatory stay ineffective and deprived Petitioner of the procedural protections guaranteed by federal law. Once a right to appeal is provided by statute and regulation, it must be honored in practice and not rendered illusory by executive action.

12. Federal agencies are bound by their own regulations. See *United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 266–68 (1954)*; see also *Service v.*

Dulles, 354 U.S. 363, 388 (1957). Execution of a removal order in contravention of a mandatory regulatory stay exceeds delegated authority and is unlawful.

13. Habeas corpus under 28 U.S.C. § 2241 remains available where a petitioner alleges that executive officials acted outside the scope of their lawful authority or in violation of the Constitution. See *INS v. St. Cyr, 533 U.S. 289, 301–02 (2001)*. Petitioner's claim falls squarely within that framework. He seeks restoration of the legal posture that existed prior to his unlawful removal and an order requiring the government to comply with the automatic stay mandated by federal regulation.

14. This case concerns not the discretionary merits of asylum, but the structural integrity of the appellate process in removal proceedings. If a removal order may be executed while an appeal remains pending, the regulatory stay codified at 8 C.F.R. § 1003.6(a) becomes meaningless. The Constitution does not permit such a result.

PARTIES

15. Petitioner, Jonathan Celis Guzman, is a native and citizen of Mexico and the subject of removal proceedings under A-Number [redacted] He was detained by U.S. Immigration and Customs Enforcement ("ICE") in Texas and was removed to Mexico while his administrative appeal before the Board of Immigration Appeals was pending.

16.Respondent, Kristi Noem, is the Secretary of the United States Department of Homeland Security. She is responsible for "[c]arrying out the immigration enforcement functions vested by statute in, or performed by, the Commissioner of the former Immigration and Naturalization Service," 6 U.S.C. § 202(3), and for "[e]stablishing national immigration enforcement policies and priorities," 6 U.S.C. § 202(5). She is sued in her official capacity.

17.Respondent, Pamela Bondi, is the Attorney General of the United States. She is charged with the administration and enforcement of the Immigration and Nationality Act ("INA") pursuant to 8 U.S.C. § 1103(g). She is sued in her official capacity.

18.Respondent, Todd Lyons, is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He exercises authority over the enforcement of the INA, including the detention and removal of noncitizens. See *8 U.S.C. § 1103(a)*. He is sued in his official capacity.

19.Respondent, Paul A. McBride, is the Acting Field Office Director for Enforcement and Removal Operations ("ERO") Houston Field Office. The Houston Field Office has jurisdiction over the Eden Detention Center in Texas, where Petitioner was detained prior to his removal. As Acting Field Office Director, he is responsible for overseeing detention and removal operations within

his jurisdiction, including the execution of removal orders. He is sued in his official capacity.

20. Respondent, the Warden (or Facility Administrator) of the Eden Detention Center, Eden, Texas, exercised day-to-day custodial authority over Petitioner prior to his removal. The Warden is sued in his or her official capacity.

JURISDICTION AND VENUE

21. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 2241(c)(3), which authorizes federal courts to grant habeas relief to a person who "is in custody in violation of the Constitution or laws or treaties of the United States." The custody requirement is satisfied where a petitioner was in federal custody at the time of the challenged action and continues to suffer concrete legal consequences flowing from that action. See *Spencer v. Kemna, 523 U.S. 1, 7–8 (1998)* (recognizing that collateral consequences may sustain jurisdiction in habeas cases).

22. Although Petitioner has been physically removed from the United States, habeas jurisdiction is not defeated where the challenged government action occurred while the petitioner was in federal custody and where collateral consequences flow from that unlawful action. See *Carafas v. LaVallee, 391 U.S.*

234, 238 (1968) (holding that jurisdiction, once properly invoked, is not defeated by subsequent release where collateral consequences remain).

23. Federal courts retain jurisdiction under § 2241 to review claims that immigration officials acted outside the scope of their statutory or regulatory authority, or in violation of the Constitution. The REAL ID Act channels challenges to final orders of removal to the courts of appeals. 8 U.S.C. § 1252(a)(5). However, it does not eliminate habeas jurisdiction over claims that do not challenge the validity of the removal order itself, but instead challenge unlawful detention or ultra vires executive action. See *INS v. St. Cyr, 533 U.S. 289, 314 (2001)* (holding that absent a clear statement, Congress does not eliminate habeas jurisdiction); see also *Zadvydas v. Davis, 533 U.S. 678, 688 (2001)* (recognizing continued habeas review over immigration custody).

24. Here, Petitioner does not contest the merits of the Immigration Judge's decision. Instead, he challenges the government's execution of his removal while a timely administrative appeal was pending and automatically stayed by regulation. His claim does not seek review of the removal order itself, but review of executive action taken in contravention of binding federal regulation and the Constitution.

25. The Supreme Court has long recognized that habeas corpus remains available to review executive detention and removal that allegedly violates

statutory or constitutional constraints. See *INS v. St. Cyr, 533 U.S. at 301–02*. The Court further reaffirmed that the Suspension Clause protects the writ where no adequate substitute for judicial review exists. See *Boumediene v. Bush, 553 U.S. 723, 771 (2008)*.

26. This case presents a classic habeas claim: whether executive officials acted in violation of governing federal regulations and the Fifth Amendment by executing a removal order that was subject to an automatic regulatory stay under 8 C.F.R. § 1003.6(a). Federal courts retain jurisdiction to review ultra vires agency action and constitutional violations, even in the immigration context. See *Accardi v. Shaughnessy, 347 U.S. 260, 266–68 (1954)* (agency must follow its own regulations).

27. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) and traditional habeas principles because the relevant custodial and removal actions occurred within Texas. Petitioner was detained by Immigration and Customs Enforcement at the Eden Detention Center in Texas and was removed to Mexico by officials operating within this jurisdiction. Venue in habeas proceedings is proper in the district of confinement or in the district where the challenged custody occurred.

28.Personal jurisdiction exists because Respondents exercised custody and control over Petitioner within this District and executed the challenged removal from within this jurisdiction.

29.Accordingly, this Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331 to adjudicate Petitioner's claims that his removal was executed in violation of federal regulation and the Fifth Amendment.

LEGAL FRAMEWORK

I. Habeas Jurisdiction Under 28 U.S.C. § 2241

30.Federal courts have jurisdiction under 28 U.S.C. § 2241(c)(3) to grant habeas relief where a petitioner is "in custody in violation of the Constitution or laws or treaties of the United States." The Supreme Court has consistently recognized that § 2241 remains available to review executive detention and removal where constitutional or statutory violations are alleged.

31.See *INS v. St. Cyr, 533 U.S. 289, 301–02 (2001)* (holding that habeas jurisdiction survives absent a clear statement from Congress eliminating such review and emphasizing the historical role of habeas in reviewing executive detention).

32. The REAL ID Act channels direct challenges to final removal orders to the courts of appeals. See 8 U.S.C. § 1252(a)(5). However, district courts retain jurisdiction under § 2241 to review claims that do not challenge the validity of the removal order itself but instead allege constitutional violations or ultra vires executive conduct. See *St. Cyr, 533 U.S. at 314*.

33. See *Zadvydas v. Davis, 533 U.S. 678, 687–88 (2001)* (recognizing availability of habeas review to ensure immigration detention complies with statutory and constitutional limitations).

34. Here, Petitioner does not challenge the merits of the Immigration Judge's removal decision. He challenges the government's execution of removal while a regulatory stay was in effect and while his administrative appeal remained pending.

II. Automatic Regulatory Stay During Pendency of Appeal

35. Federal regulation provides that removal orders are automatically stayed during the time allowed for filing an appeal and during the pendency of a timely appeal.

36. 8 C.F.R. § 1003.6(a) provides in relevant part:

37. "[T]he decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed."

38. When a timely appeal is filed, execution of the removal order is stayed by operation of law.

39. The regulatory stay is mandatory, not discretionary. Its language—"shall not be executed"—imposes a binding limitation on executive authority. Agencies are obligated to follow their own regulations. See *United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 266–68 (1954)*.

40. The Supreme Court has repeatedly reaffirmed that agency action taken in violation of binding regulations is unlawful. See *Service v. Dulles, 354 U.S. 363, 388 (1957)*; see also *Vitarelli v. Seaton, 359 U.S. 535, 539–40 (1959)*.

41. Execution of removal during the pendency of a timely appeal contravenes the plain text of 8 C.F.R. § 1003.6(a) and exceeds delegated authority.

III. Fifth Amendment Due Process Protections

42. The Fifth Amendment provides that no "person" shall be deprived of liberty without due process of law. The Supreme Court has repeatedly held that noncitizens physically present in the United States are entitled to due process

protections in removal proceedings. See *Reno v. Flores, 507 U.S. 292, 306 (1993)*. See also *Mathews v. Diaz, 426 U.S. 67, 77 (1976)*.

43. The Supreme Court has emphasized that deportation may result in the loss "of all that makes life worth living," and therefore requires scrupulous adherence to procedural safeguards. See *Bridges v. Wixon, 326 U.S. 135, 154 (1945)*.

44. Due process in removal proceedings requires a meaningful opportunity to be heard and to pursue the review mechanisms established by statute and regulation. See *Mathews v. Eldridge, 424 U.S. 319, 333 (1976)* (requiring notice and meaningful opportunity to be heard before deprivation of protected interests).

45. Once Congress and the Attorney General create a right to administrative appeal, the government may not nullify that right through executive action inconsistent with governing regulations.

IV. Right to Counsel in Removal Proceedings

46. The Immigration and Nationality Act guarantees the right to representation in removal proceedings at no expense to the government. 8 U.S.C. § 1362; see also 8 U.S.C. § 1229a(b)(4)(A).

47. Regulations further require that notice be provided to the attorney of record. See 8 C.F.R. § 292.5(a).

48.Interference with representation in removal proceedings implicates due process. See *Castaneda-Delgado v. INS, 525 F.2d 1295, 1299 (7th Cir. 1975)* (recognizing that denial of counsel in deportation proceedings may violate due process).

49.Removal of a noncitizen while represented by counsel, without notice to counsel and during the pendency of an appeal, interferes with the statutory right to representation and the ability to seek timely judicial intervention.

V. Ultra Vires Agency Action

50.Federal agencies may act only within the authority delegated by Congress and consistent with their own regulations. Agency action taken in contravention of binding regulations is unlawful. See *Accardi, 347 U.S. at 266–68*. See also *Service v. Dulles, 354 U.S. at 388*.

51.Under the Accardi doctrine, when an agency fails to follow its own regulations, its action is invalid. Execution of a removal order while a regulatory stay is in effect constitutes action beyond delegated authority.

52.Ultra vires executive action is subject to judicial review under 28 U.S.C. § 2241.

VI. Meaningful Review and Structural Integrity of Appellate Process

53. The availability of administrative and judicial review must be meaningful, not illusory. Government conduct that extinguishes review before it is completed raises serious constitutional concerns. See *Maldonado v. Holder, 763 F.3d 155, 158–59 (2d Cir. 2014)* (recognizing that procedural safeguards within the immigration adjudicatory framework must operate in practice and not merely in theory).

54. The Supreme Court has further recognized that removal during the pendency of review may cause irreparable harm and undermine the effectiveness of review. See *Nken v. Holder, 556 U.S. 418, 435 (2009)* (acknowledging that removal pending judicial review can cause serious harm and that the possibility of return does not automatically cure such harm).

55. Although Nken addressed judicial stays pending petitions for review, the principle applies here: removal before completion of review threatens the integrity of the appellate process itself.

56. Removal executed during the pendency of an appeal renders the regulatory stay ineffective and deprives the petitioner of meaningful administrative review.

VII. Suspension Clause Considerations

57. The Suspension Clause protects the writ of habeas corpus except in limited circumstances not present here. U.S. Const. art. I, § 9, cl. 2.

58. Where executive action allegedly violates governing regulations and extinguishes the ability to obtain meaningful review, habeas corpus remains an essential safeguard. See *Boumediene v. Bush, 553 U.S. 723, 771 (2008)* (holding that the Suspension Clause ensures the availability of habeas as a check on unlawful executive detention).

FACTUAL BACKGROUND

A. Immigration History

59. Petitioner Jonathan Celis Guzman is a native and citizen of Mexico. He entered the United States at approximately eight years of age and has resided continuously in this country for more than two decades.

60. Petitioner has been a recipient of Deferred Action for Childhood Arrivals ("DACA") for over ten years. During the validity periods of his DACA approvals, he was granted deferred action and employment authorization by the Department of Homeland Security.

B. Removal Proceedings

61. On or about August 21, 2025, the Department of Homeland Security issued a Notice to Appear charging Petitioner as removable under the Immigration and Nationality Act.

62. On August 24, 2025, Petitioner was taken into custody by U.S. Immigration and Customs Enforcement ("ICE") and detained at the Eden Detention Center in Texas.

63. Petitioner appeared before the Immigration Court in Conroe, Texas, and was represented by counsel throughout the proceedings.

64. On November 14, 2025, the Immigration Judge issued a written decision denying Petitioner's applications for asylum, withholding of removal, and protection under the Convention Against Torture, and ordered him removed to Mexico.

65. On that same date, the Immigration Judge entered a formal order of removal.

66. Petitioner did not waive his right to appeal.

C. Appeal

67. On December 13, 2025, Petitioner timely filed a Notice of Appeal with the Board of Immigration Appeals.

68. The appeal was filed on December 13, 2025, and the filing receipt was issued on December 29, 2025.

69. The appeal remains pending in the Executive Office for Immigration Review system. The BIA has not dismissed the appeal and has not issued a decision resolving it.

70. Under 8 C.F.R. § 1003.6(a), the filing of a timely appeal automatically stays the execution of the Immigration Judge's removal order during the pendency of that appeal.

D. Deportation

71. After the filing of the Notice of Appeal, and while the appeal remained pending, DHS executed Petitioner's removal to Mexico.

72. Counsel was not notified before deportation.

73. Counsel of record was not given advance notice that removal would be executed. No written notice of removal was served on counsel. Counsel learned of Petitioner's deportation through communication with Petitioner's family members.

74. At the time removal was executed, Petitioner's appeal remained pending before the BIA.

75. The appeal continues to appear as pending in the agency's system.

CLAIMS FOR RELIEF

COUNT I

Violation of Automatic Regulatory Stay (8 C.F.R. § 1003.6(a))

76. Petitioner realleges and incorporates the preceding paragraphs as if fully set forth herein.

77. Federal regulation provides that a removal order "shall not be executed" during the time allowed for filing an appeal and, where a timely appeal has been filed, during the pendency of that appeal. 8 C.F.R. § 1003.6(a).

78. Petitioner timely filed a Notice of Appeal to the Board of Immigration Appeals. The appeal was accepted and remains pending. Petitioner did not waive his right to appeal.

79. Under the plain language of 8 C.F.R. § 1003.6(a), execution of the removal order was automatically stayed by operation of law. The use of mandatory language—"shall not be executed"—imposes a binding limitation on executive authority.

80. Despite the existence of the regulatory stay, DHS executed Petitioner's removal to Mexico while his appeal remained pending.

81. Because the removal order was not legally executable at the time of removal, DHS lacked authority to carry out the removal. Agencies are required to comply with their own regulations. See *United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 266–68 (1954)*; see also *Service v. Dulles, 354 U.S. 363, 388 (1957)*; *Vitarelli v. Seaton, 359 U.S. 535, 539–40 (1959)*.

82. Execution of removal in contravention of 8 C.F.R. § 1003.6(a) violated binding federal regulation and rendered the removal unlawful.

83. Petitioner is entitled to habeas relief restoring the status quo that existed prior to the unlawful execution of removal.

COUNT II

Violation of Fifth Amendment Due Process

84.Petitioner realleges and incorporates the preceding paragraphs.

85.The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States are entitled to due process protections in removal proceedings. See *Reno v. Flores, 507 U.S. 292, 306 (1993)*; *Mathews v. Diaz, 426 U.S. 67, 77 (1976)*.

86.The Supreme Court has emphasized that deportation may result in the loss "of all that makes life worth living," and therefore requires scrupulous adherence to procedural safeguards. See *Bridges v. Wixon, 326 U.S. 135, 154 (1945).*

87.Petitioner was afforded a statutory and regulatory right to administrative appeal. That appeal was timely filed and remained pending.

88.By executing removal while the appeal was pending, DHS deprived Petitioner of meaningful appellate review. The removal rendered the regulatory stay ineffective and substantially impaired Petitioner's ability to pursue his administrative remedy.

89.Due process requires that procedures established by statute and regulation be meaningful and not illusory. See *Mathews v. Eldridge, 424 U.S. 319, 333 (1976).* Removal during the pendency of an appeal extinguished Petitioner's ability to obtain effective review and constituted a deprivation of liberty without due process of law.

90.The prejudice here is structural. The violation lies in the government's destruction of the appellate process itself. See *Maldonado v. Holder, 763 F.3d 155, 158–59 (2d Cir. 2014)* (recognizing that procedural safeguards must operate in practice and not merely in theory).

91. Additionally, the Supreme Court has recognized that removal pending review can cause serious and irreparable harm that is not automatically cured by the possibility of later return. See *Nken v. Holder, 556 U.S. 418, 435 (2009)*.

COUNT III

Violation of Right to Counsel

92. Petitioner realleges and incorporates the preceding paragraphs.

93. The Immigration and Nationality Act guarantees the right to representation in removal proceedings at no expense to the government. 8 U.S.C. § 1362; see also 8 U.S.C. § 1229a(b)(4)(A).

94. Regulations require that notice be provided to the attorney of record. See 8 C.F.R. § 292.5(a).

95. Petitioner was represented by counsel throughout removal proceedings, and counsel formally appeared before the Immigration Court and the Board of Immigration Appeals.

96. DHS executed Petitioner's removal without providing advance notice to counsel and without informing counsel that removal would occur.

97. Removal under these circumstances interfered with Petitioner's statutory right to representation and deprived him of the opportunity to seek emergency relief, including judicial intervention, prior to removal.

98. Interference with the right to counsel in deportation proceedings implicates due process concerns. See *Castaneda-Delgado v. INS, 525 F.2d 1295, 1299 (7th Cir. 1975)*.

99. Such interference undermines the fairness and integrity of removal proceedings.

COUNT IV

Ultra Vires Agency Action

100. Petitioner realleges and incorporates the preceding paragraphs.

101. Federal agencies may act only within the authority delegated by Congress and consistent with their own regulations.

102. Where an agency fails to comply with binding regulations, its actions are unlawful. See *Accardi, 347 U.S. at 266–68*.

103. At the time DHS executed Petitioner's removal, 8 C.F.R. § 1003.6(a) imposed a mandatory stay on execution of the removal order due to the pendency of a timely appeal.

104. Because the removal order was not legally executable, DHS lacked authority to carry out the removal. Execution of removal in violation of the regulatory stay constituted action beyond the scope of delegated authority and was therefore ultra vires.

105. Ultra vires executive action is subject to judicial review under 28 U.S.C. § 2241 and warrants appropriate equitable relief.

COUNT V

Arbitrary and Capricious Agency Action (Administrative Procedure Act)

106. Petitioner realleges and incorporates the preceding paragraphs.

107. Under the Administrative Procedure Act, agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law shall be set aside. 5 U.S.C. § 706(2)(A).

108. An agency acts arbitrarily and capriciously when it fails to consider important aspects of the problem, fails to follow its own governing regulations, or offers an explanation inconsistent with the record. See *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).*

109. Petitioner had been granted Deferred Action for Childhood Arrivals for over a decade. DACA represents an exercise of prosecutorial discretion by

DHS and gives rise to reliance interests recognized by the Supreme Court. See *Department of Homeland Security v. Regents of the University of California, 140 S. Ct. 1891, 1913 (2020).*

110. By executing removal during the pendency of an administrative appeal and without adherence to the automatic stay regulation, DHS failed to comply with its own governing framework and failed to consider relevant factors, including Petitioner's long-standing deferred action status and reliance interests.

111. Removal under these circumstances was inconsistent with binding regulations and established administrative procedures and therefore constitutes arbitrary and capricious agency action under the APA.

IRREPARABLE HARM

112. Petitioner has suffered, and continues to suffer, irreparable harm as a direct result of Respondents' unlawful execution of his removal.

113. First, Petitioner has been physically removed from the United States despite the pendency of his administrative appeal and the operation of an automatic regulatory stay. Physical removal from the country constitutes a severe deprivation of liberty that cannot be remedied by monetary damages.

114. Second, Petitioner has been returned to Mexico, the very country from which he sought protection. His asylum application alleged persecution and threats tied to his sexual orientation and to violence directed at members of his family. Removal under these circumstances exposes him to renewed danger and instability while his appeal remains unresolved.

115. Third, Petitioner has lost the practical benefit of his administrative appeal. Although the appeal remains pending on paper, the government's action has substantially impaired his ability to meaningfully participate in the appellate process. Physical removal during the pendency of appeal undermines access to counsel, limits communication, and diminishes the effectiveness of appellate review. The loss of meaningful appellate rights constitutes irreparable harm.

116. Fourth, Petitioner has been separated from his family and community in the United States. He has resided in this country for more than twenty years. His removal has severed his daily contact with family members and disrupted long-established personal and community ties. Such separation is not compensable through monetary relief.

117. Fifth, Petitioner has suffered significant psychological harm. He has previously undergone therapy related to trauma and anxiety stemming from his experiences in Mexico. The sudden execution of removal during a pending appeal,

coupled with the uncertainty of his legal status and safety, has exacerbated these psychological harms.

118. Finally, Petitioner's long-standing DACA status has been disrupted. For over a decade, DHS exercised prosecutorial discretion to defer action in his case and authorize employment. Removal during the pendency of an appeal has nullified the practical benefit of that deferred action and extinguished the stability it provided.

119. The harms described above are immediate, concrete, and ongoing. They are not speculative and cannot be adequately remedied through post hoc relief alone. Absent judicial intervention restoring the status quo ante, Petitioner will continue to suffer irreparable injury resulting from Respondents' unlawful conduct.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

a) Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241, finding that Respondents' execution of Petitioner's removal while his administrative appeal was pending violated federal regulation and the Fifth Amendment;

b) Declare that Petitioner's removal, executed during the pendency of a timely appeal subject to the automatic stay imposed by 8 C.F.R. § 1003.6(a), was unlawful;

c) Order Respondents, including the Department of Homeland Security and U.S. Immigration and Customs Enforcement, to facilitate Petitioner's return to the United States in order to restore the legal status quo that existed prior to the unlawful removal;

d) Order Respondents to parole Petitioner into the United States pursuant to their statutory authority under 8 U.S.C. § 1182(d)(5)(A) for the purpose of allowing him to pursue his pending administrative appeal;

e) Restore Petitioner to the legal posture that existed immediately prior to the execution of removal, including recognition that the removal order was not executable during the pendency of the appeal;

f) Enjoin Respondents from taking any action to dismiss, terminate, or otherwise interfere with Petitioner's pending appeal before the Board of Immigration Appeals on the basis of his removal;

g) Award such further declaratory, injunctive, or equitable relief as this Court deems just and proper.

Dated: June 04, 2026

Deported



Jonathan Celis Guzman

Jonathan Celis Guzman A[redacted]

CERTIFICATE OF SERVICE

I hereby certify that on June 04, 2026, I served a copy of the PETITION FOR WRIT OF HABEAS CORPUS, PURSUANT TO 28 U.S.C. § 224 on the Clerk's Office of the United States District Court:

Clerk of Court
United States District Court
33 E. Twohig Avenue, Room 202
San Angelo, TX 76903-6451

Dated: June 04, 2026

Respectfully Submitted,



FILED - USDC - NDTX - SA
JUN 9 '26 PM3:49 KR

Jonathan Celis Guzman

A Number: [redacted]

PRO SE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Case:

6:26-cv-232

Jonathan Celis Guzman

Petitioner,

v.

The Warden of Eden Detention Center in his/her official capacity, et al.,

Respondents.

ADDITIONAL SUPPORTING DOCUMENTS FOR PETITION FOR WRIT OF HABEAS CORPUS

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5.Payment Receipt (Form EOIR-26)

6.Screenshot of the EOIR System

7.Declaration of Maria de La Luz Hernandez Regarding Lack of Notice of Remova

EXHIBIT B ADDITIONAL SUPPORTING DOCUMENTS PERSONAL DOCUMENTS

1. Copy of the RESPONDENT's Passport.

2. Copy of the RESPONDENT's Birth Certificate with English Translation.

3. Copy of the RESPONDENT's Declaration

4. DACA Approval Notice

EXHIBIT C PROOF OF SERVICE

EXHIBIT A
SUPPORTING DOCUMENTS FOR PETITION FOR WRIT OF HABEAS CORPUS

1. Notice to Appear

Uploaded on: 09/03/2025 at 10:47:26 AM (Central Daylight Time) Base City: PIS

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Even[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: JONATHAN CELIS GUZMAN currently residing at:

See Continuation Page Made a Part Hereof
(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.ORAt that time you arrived at a time or place other than as designated by the Attorney General.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, See Continuation Page Made a Part Hereof

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

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

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

27991 BUENA VISTA BLVD, LOS FRESNOS, TEXAS 78566. PRAIRIELAND DETENTION CTR
(Complete Address of Immigration Court, including Room Number, if any)

on October 3, 2025 *(Date)* at 8:30 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

D 9968 BAKER - (A)SDDO
(Signature and Title of Issuing Officer)

Date: August 21, 2025

DALLAS, TEXAS
(City and State)

EOIR – 1 of 4

Exh. 1 -

Uploaded on: 09/03/2025 at 10:47:26 AM (Central Daylight Time) Base City: PIS

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)

Date: _____

_____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on August 21, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☐ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to Sign

(Signature of Respondent if Personally Served)

M 11300 SOTO - D.O.

(Signature and Title of officer)

EOIR – 2 of 4

Uploaded on: 09/03/2025 at 10:47:26 AM (Central Daylight Time) Base City: PIS

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-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR - 3 of 4

Exh. 1 -

Uploaded on: 09/03/2025 at 10:47:26 AM (Central Daylight Time) Base City: PIS

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name	File Number	Date
CELIS GUZMAN, JONATHAN	[redacted]	08/21/2025

CURRENTLY RESIDING AT:

PRAIRIELAND DETENTION CENTER 1209 SUNFLOWER LANE ALVARADO, TEXAS 76009

THE SERVICE ALLEGES THAT YOU:

reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	Title
D 9968 BAKER	(A) SDDO

EOIR - 4 of 4

4 of 4 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

Exh. 1 -

2. Written Decision of the Immigration Judge Denying Asylum

3. Oral Decision of the Immigration Judge Denying Asylum

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

Respondent Name:
CELIS GUZMAN, JONATHAN

To:
Hernandez, Maria De La Luz
7401 Wiles Road
Suite 313
Coral Springs, FL 33067

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security

Date:
11/14/2025

ORDER OF THE IMMIGRATION JUDGE

☑ This is a summary of the oral decision entered on 11/14/2025. 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)(06)(A)(I)( ) / (212)(A)(07)(A)(I)(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

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 MEXICO

☐ 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: BRISACK, CHRIS 11/14/2025

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

Appeal Due: 12/15/2025

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 : CELIS GUZMAN, JONATHAN | A-Number : [redacted]
Riders:
Date: 11/17/2025 By: WILLIAMS, DOMINIQUE, Court Staff

4. Filing Receipt for Appeal or Motion

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Hernandez, Maria De La Luz
Law Offices of Maria De La Luz Hernandez
7401 Wiles Road
Suite 313
Coral Springs, FL 33067

DHS/ICE Office of Chief Counsel
Montgomery Proc Ctr, 806 Hilbig Rd
Conroe, TX 77301

Name:
CELIS GUZMAN, JONATHAN [redacted]

Riders:

Date of Notice: 12/29/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 12/13/2025 , in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: CrawforDa

CC

5. Payment Receipt (Form EOIR-26)

Filed at BIA on: 12/13/2025 at 10:51:58 PM (Eastern Standard Time)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Payment Receipt

A payment has been processed for the following case before the Executive Office for Immigration Review.

For cases before the Immigration Court, please contact the Court that is currently hearing your case for questions regarding payment. For cases before the Board of Immigration Appeals (BIA), please contact the BIA Clerk's Office for questions regarding payment at (703) 605-1007.

A copy of this receipt must be included with the application, motion, or appeal that is filed with the Immigration Court or the BIA Clerk's Office. Failure to include a receipt showing proof of payment will result in rejection of the filing.

A-Number: [redacted]

Payment Tracking ID: [redacted]

Payment Processed On: 12/13/2025 10:36:36 PM EST

Filing Type: BIA - Appeal (new filing of a Form EOIR-26)

Payment Type: PLASTIC_CARD

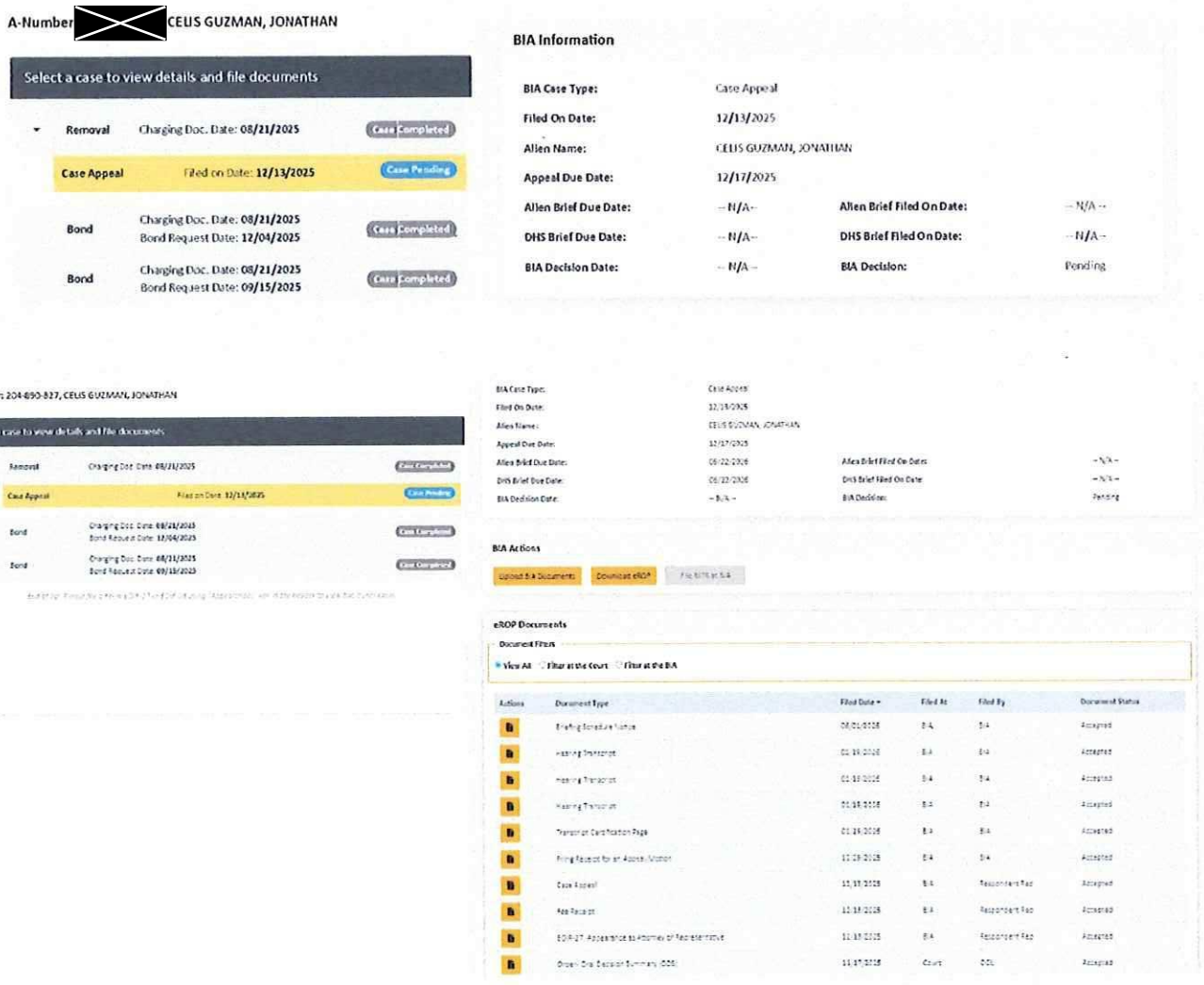
Payment Amount: $1,010.00

Save or print this receipt immediately. A copy will not be sent via email. The tracking ID is required to retrieve a duplicate receipt.

*Please note there is an **annual fee** for all asylum applications, which is due on the anniversary of each calendar year that an alien's asylum application remains pending; no fee-waiver or reduction in fee is permitted. **This fee must be paid timely**; failure to pay within 30 days of the anniversary due date will likely result in pretermission of the asylum application and an order of removal. This will be the only notice that the alien will receive regarding this annual payment requirement. Payment of this fee can be made at https://epay.eoir.justice.gov/index.

Current annual fee amounts can be found at www.justice.gov/eoir/types-appeals-motions-and-required-fees.

6. Scheenshot of the EOIR System



A-Number [redacted] CELIS GUZMAN, JONATHAN

Select a case to view details and file documents

Removal	Charging Doc. Date: 08/21/2025	Case Completed
Case Appeal	Filed on Date: 12/13/2025	Case Pending
Bond	Charging Doc. Date: 08/21/2025 Bond Request Date: 12/04/2025	Case Completed
Bond	Charging Doc. Date: 08/21/2025 Bond Request Date: 09/15/2025	Case Completed

BIA Information

BIA Case Type:	Case Appeal		
Filed On Date:	12/13/2025		
Alien Name:	CELIS GUZMAN, JONATHAN		
Appeal Due Date:	12/17/2025		
Alien Brief Due Date:	-- N/A --	Alien Brief Filed On Date:	-- N/A --
DHS Brief Due Date:	-- N/A --	DHS Brief Filed On Date:	-- N/A --
BIA Decision Date:	-- N/A --	BIA Decision:	Pending

A-Number: 204-690-827, CELIS GUZMAN, JONATHAN

BIA Actions

eROP Documents

Document Filters

View All | Filter at the Court | Filter at the BIA

Actions	Document Type	Filed Date	Filed At	Filed By	Document Status
	Briefing Scheduling Notice		BIA	BIA	Accepted
	Hearing Transcript		BIA	BIA	Accepted
	Hearing Transcript		BIA	BIA	Accepted
	Hearing Transcript		BIA	BIA	Accepted
	Transcript Certification Page		BIA	BIA	Accepted
	Filing Receipt for an Appeal/Motion		BIA	BIA	Accepted
	Case Appeal		BIA	Respondent Rep	Accepted
	Fee Receipt		BIA	Respondent Rep	Accepted
	EOIR-27, Appearance as Attorney or Representative		BIA	Respondent Rep	Accepted
	Order: Oral Decision Summary, DOC		Court	DOL	Accepted

7. Declaration of Maria de La Luz Hernandez Regarding Lack of Notice of Removal

I, Maria de La Luz Hernandez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge and belief:

1. I am a licensed attorney in good standing and counsel of record for Petitioner Jonathan Celis Guzman in his removal proceedings before the Immigration Court and the Board of Immigration Appeals ("BIA").

2. I represented Mr. Guzman during his removal proceedings before the Immigration Court in Texas.

3. On December 13, 2025, I timely filed a Notice of Appeal with the Board of Immigration Appeals challenging the Immigration Judge's November 14, 2025 removal order.

4. The BIA accepted the appeal for filing and docketed the case. I also properly entered my Notice of Appearance before the BIA.

5. At no time prior to December 19, 2025 did I receive any written or electronic notice from the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), the Immigration Court, or the BIA indicating that Mr. Guzman's removal would be executed while his appeal remained pending.

6. I did not receive any notice that the appeal had been dismissed, denied, withdrawn, or otherwise resolved prior to December 19, 2025.

7. No notice of execution of removal was served upon me as counsel of record.

8. I first learned that Mr. Guzman had been removed to Mexico through communication from his family after the removal had already occurred.

9. Had I received notice that DHS intended to execute the removal order while the appeal remained pending, I would have immediately sought emergency judicial relief, including a stay of removal from the appropriate court.

10. As of the date of this declaration, the appeal remains pending before the Board of Immigration Appeals to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26 day of February 2026.

Maria De La Luz Hernandez., FL BAR #81969
Law Offices of Maria Hernandez
7401 Wiles Road Ste 313
Coral Springs, FL 33067
Tel: (714) 351-1078
Email: Luz@hernandezattorney.com

EXHIBIT B

ADDITIONAL SUPPORTING DOCUMENTS

PERSONAL DOCUMENTS

1. Copy of the RESPONDENT'S Passport

3. Copy of the RESPONDENT'S Birth Certificate

3. Copy of the RESPONDENT'S Declaration

4. DACA
Approval Notices

Jonathan Celis Guzman A [redacted]

CERTIFICATE OF SERVICE

I hereby certify that on June 04, 2026, I served a copy of the ADDITIONAL SUPPORTING DOCUMENTS FOR PETITION FOR WRIT OF HABEAS CORPUS on the Clerk's Office of the United States District Court:

Clerk of Court
United States District Court
33 E. Twohig Avenue, Room 202
San Angelo, TX 76903-6451

Dated: June 04, 2026

Respectfully Submitted,

