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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

HONORIO LATYR PEREIRA	)	
BARRETO,	)	Case No. 3:26-cv-00235-SLG
	)	
Petitioner,	)	
	)	
v.	)	RENEWED REQUEST FOR
	)	WRIT OF HABEAS CORPUS
STATE OF ALASKA, Department of	)	
Corrections; ARNALDO	)	
HERNANDEZ, Superintendent of the	)	
Anchorage Correctional Complex, in his	)	
official capacity; U.S. IMMIGRATION	)	
AND CUSTOMS ENFORCEMENT;	)	
DAVID VENTURELLA, Acting	)	
Director, in his official capacity, and	)	
LAURA HERMOSILLO, Field Office	)	
Director, Seattle Field Office;	)	
DEPARTMENT OF HOMELAND	)	
SECURITY; MARKWAYNE MULLIN,	)	
Secretary, in his official capacity,	)	
	)	
Respondents.	)	
	)	

RENEWED REQUEST FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

By order dated June 26, 2026, the Court directed Respondents to provide Petitioner Honorio Latyr Pereira Barreto with an individualized bond hearing before a neutral immigration judge. Dkt. 26. By order dated July 2, 2026, the Court withdrew the portion of its June 26 order that had required Respondents to prove that Petitioner is a flight risk or danger to the community by clear and convincing evidence. Dkt. 31. The Court in the latter July 2 order noted that “[s]hould Petitioner believe that his bond proceedings before the agency are constitutionally deficient as applied to him, he may seek relief in federal court.” Dkt. 31 p. 6. The bond proceeding provided to Mr. Pereira Barreto was constitutionally deficient. Petitioner hereby renews his habeas corpus request for immediate release from custody.

II. FACTS

Petitioner Pereira Barreto was detained by ICE on June 11, 2026 as he was leaving Wellness Court at the Boney Courthouse in Anchorage. Ex. 1, Bond Hearing Ex. 3, p. 3. He has since been incarcerated in the Anchorage Correctional Center.

Petitioner uploaded exhibits prior to the July 2 bond hearing and intended to present testimony from several witnesses at the video conference hearing. The deportation judge, however, limited Petitioner’s evidence to submitted written

material and directed counsel to “proffer” any additional evidence.¹ During the resulting proffer, Petitioner’s counsel closely paraphrased Paragraph 3 of the declaration from Petitioner’s Public Defender, Randall Patterson, in order to highlight this information for the Court. Ex. 10, Stock Dec. p. 3. That paragraph reads:

Mr. Barreto is participating in Anchorage Municipal Wellness Court, a Therapeutic Court of the Alaska Court System. He has been in Wellness Court since November of 2024 and is in good standing with that program. As part of that program, Mr. Barreto is required to meet regularly with a probation officer, attend near daily treatment meetings, and submit to random urinalysis. He is compliant with all those requirements. In addition, Mr. Barreto is required to attend a court hearing every other week where his progress is addressed by Anchorage District Court Judge Michael Logue or Michael Franciosi, and previously Judge David Wallace. As such, he has attended over 50 separate court hearings. Upon completion of the Wellness Court program, I have assurance from Assistant Municipal Prosecutor Chris Storz that Mr. Barreto's cases will be reduced to one count with a requirement to pay restitution.

¹ The Department of Justice now refers to immigration judges as “deportation judges.” Ex. 2. The Department of Justice now also systematically fires judges for not ruling against non-citizens at a sufficiently high rate. *See, e.g., Ice Hired Thousands While the Rest of the Immigration System Shrank*, New York Times (Feb. 11, 2026) <https://www.nytimes.com/2026/02/11/us/ice-agents-hiring-immigration-system.html>; *Immigration Courts Thrown Into Chaos as Trump Administration Purges Dozens of Judges*, Politico (Dec. 6, 2025) <https://www.politico.com/news/2025/12/06/trump-immigration-court-judge-purges-00679376>; *A Deep Dive Into the Trump Administration Firing of Immigration Judges*, NPR All Things Considered (Nov. 5, 2025) <https://www.npr.org/2025/11/04/nx-s1-5584095/trump-immigration-judges>; *Trump Administration Fires Immigration Judges, Even as it Seeks to Hire More of Them*, ABA Journal (Sept. 24, 2025) <https://www.abajournal.com/news/article/trump-administration-firing-immigration-judges-even-as-it-seeks-to-hire-more-of-them>; *Inside the Trump Administration’s Unprecedented Purge of Immigration Judges*, CNN (Oct. 6, 2025) <https://www.cnn.com/2025/10/06/politics/immigration-judges-fired-trump>.

Mr. Barreto will also have received extensive treatment and will have been clean and sober for over nearly two years. Having Mr. Barreto complete the Wellness Court regimen is not only in his best interest but also serves the interests of the community as a whole. He would be unable to participate in Wellness Court if removed from Alaska.

Ex. 3, Bond Hearing Ex. 5 p. 3.

Although not verbally read to the impatient deportation judge, other portions of Mr. Patterson's declaration stated:

I have spoken to, or emailed with, several of the Anchorage Municipal Wellness Court team members and participants and they all, without exception, have expressed their desire to see Mr. Barreto remain in the program. This includes the Program Director Michelle Delkettie, two probation officers, Ebony Evans and Lanetta Riley, Assistant Municipal Prosecutor Chris Storz, and Akeela House Treatment Coordinator Demetrius Lalofau.

On a personal note, I have represented Mr. Barreto for over a year and have had the opportunity to get to know him fairly well. As a Public Defender handling almost exclusively municipal misdemeanor cases, I don't usually get the opportunity to work with someone as extensively as I have Mr. Barreto. I have witnessed the progress Mr. Barreto has made in Wellness Court and his personal achievements since February of 2025. Mr. Barreto is dedicated to the Wellness Court program and its goals. In addition to his success in the program, he renewed his medical care provider certification. He is hardworking, often holding down multiple jobs while still meeting the rigorous requirements of the program. I think it would be a great loss to the community if he were not permitted to complete the Wellness Court program. I believe he is, and will continue to be, an asset to the Anchorage community.

Id. ¶¶ 4, 5.

Mr. Pereira Barreto had been arrested on April 15, 2013 and January 22, 2024, and then charged in both instances with misdemeanor DUI offenses. He has

no criminal convictions. Ex. 3, Bond Hearing Ex. 3 p. 3. The central focus of Petitioner’s bond hearing presentation was necessarily on what has happened after his arrests—specifically his successful rehabilitation.

Although denied the opportunity to call witnesses, counsel advised the deportation judge in the “proffer” that:

- Mr. Patterson wished to testify regarding the matters addressed in his declaration;
- Mr. Pereira Barreto’s Probation officer wished to testify that he was not a flight risk nor a danger to the community;
- The Municipal Prosecutor also wished to testify on Mr. Pereira Barreto’s behalf;
- Mr. Pereira Barreto’s employer and several of his co-workers and patients wished to testify on his behalf.

Ex. 10, Stock Dec. p. 3.

The deportation judge denied Mr. Pereira Barreto’s request to call these witnesses. Notably, the judge ruled that Mr. Pereira Barreto and other witnesses could not testify even though Petitioner bore the burden of proving he was neither a danger to the community nor a flight risk. The judge expressly stated that she “accepted” the proffers. *Id.*

Early in the hearing the deportation judge asserted that she had already reviewed all exhibits submitted by Petitioner (221 pages). This statement by the deportation judge did not appear to be accurate. Shortly after she made this statement, she asked whether Petitioner had submitted any supporting letters. Ex.

10, Stock Dec. p. 4. Petitioner had in fact submitted seven supporting letters from, variously, his work supervisors, co-workers, and patients. Ex. 4; Bond Hearing Exs. 10 – 16. These letters all describe Mr. Pereira Barreto as a uniformly reliable, compassionate, and dedicated individual with an intuitive ability to connect with patients.²

² Keeli Long, the Area Manager for Enhabit Home Health and Hospice where Petitioner works as a Certified Nurse Assistant (CNA), wrote: “Latyr is one of our most complimented employees,” his “compassion, dignity, and love shows through even [in] the smallest acts of care [and] is truly beautiful to witness,” “we need Latyr back and not just for our patients who treasure him, but because of how much we treasure the ways he has added to our lives as well.” Ex. 4, Bond Hearing Ex. 11 p. 2-3. Angela Sundstrom at Enhabit writes: “as our only CNA [in Chugiak] Latyr provides direct patient care to our Hospice patients as well as our Home Health patients,” “he consistently earns his patients’ trust with his compassion, empathy and gentle hands,” “he is really needed,” “we are short staffed right now.” Ex. 4, Bond Hearing Ex. 10 p. 2-3. Chami Krueger, a Medical Licensed Social Worker at Enhabit, writes: “he has a heart of gold & deep love for others,” “as a health care worker, Latyr holds a special relationship with his patients,” we often receive “feedback from patients & coworkers about how amazing he is.” Ex. 4, Bond Hearing Ex. 12 p. 2-3. Enhabit client Judy Ann Wolverton writes that Latyr provides home health services twice weekly to her husband who is suffering from vascular dementia and Alzheimer’s disease. She writes: “Latyr has been such a help to us,” “everything he does has not only been professional, but also with a caring and compassionate attitude,” “Latyr is very dependable,” “he has become a friend.” Ex. 4, Bond Hearing Ex. 14 p. 2-3. Enhabit client Sally Dressl writes: “I am wife and sole caregiver of my husband . . . who [is] bed bound,” Latyr “is calm, patient and very kind,” “I like that he is gentle with my husband,” “I ask[ed] him how he decided he wanted to be a CNA, he said because he took care of his grandfather at the end of his days and he was grateful to be able to help him the way he did.” Alexis Lochner, the Director of Operations for Enhabit in Anchorage, writes: “I have been a nurse for almost a decade, working in multiple setting[s] with numerous clinicians. Latyr is by far one of the best CNAs I have ever worked with,” “working in hospice care requires a unique combination of empathy, patience, integrity, dignity, and selflessness, and Latyr embodies these qualities every day,” “I respectfully ask the Court to

Had Mr. Pereira Barreto been allowed to testify, he would have explained that his drinking occurred during a very difficult time in this life—the breakup of his marriage. Petitioner would have explained that he has regained control of his life, has not had any alcohol since November 2024, and is now prospering through his own initiative, the help of the Wellness Court, and with the support of his friends and co-workers. Ex. 10, Stock Dec. p. 4; Ex. 5 Aff. Pereira Baretto.³

The deportation judge rendered her decision on the record.⁴ Her complete oral statement was as follows:

All right, given all the evidence presented, the evidence is clear that the respondent engaged in conduct of operating a vehicle while under the influence. On at least one occasion and possibly two. And the court, uh, must follow the board's guidance in this matter. Under Siniauskas. And I find that the respondent is a danger. Alright, and I will reserve for both parties. I do not find he is a flight risk. And that is on or before August 3rd, 2026. All right, thank you everyone.

Ex. 10, Stock Dec. p. 5.

The deportation judge did not make any mention of the **central basis** for Petitioner's bond request—namely his successful rehabilitation over the past two years. *Id.*

consider the remarkable character of this man and the countless ways he has positively impacted those around him.” Ex. 4, Bond Hearing Ex. 16 p. 2-3.

³ Petitioner provided a description of the Wellness Court in his bond hearing filings. Ex. 6, Bond Hearing Ex. 4.

⁴ The judge also checked the box “Danger was found/Fight Risk not found” on the standard form Order of the Immigration Judge. This document was previously filed by the government as Dkt. 32-1.

The deportation judge's reference to "Siniauskas" is to *Matter of Siniauskas*, 27 I&N Dec. 2027 (BIA 2018). Ex. 7. There the BIA reversed the grant of bond to an individual who had three approximately ten-year-old DUI convictions and was then arrested again for DUI a few months before his 2017 bond hearing. The BIA expressly addressed the issue of rehabilitation and specifically found the claim of rehabilitation was unpersuasive there. The BIA stated:

his recent arrest for the same offense undercuts his argument that he has established rehabilitation and does not pose a danger to the community. . . . This is not a case involving a single conviction for driving under the influence from 10 years ago. The respondent has multiple convictions for driving under the influence from that period and a recent arrest for the same conduct, which undermines his claim that he has been rehabilitated.

Id. p. 209 – 210.

Here the deportation judge made no mention of the central issue of rehabilitation. The judge failed to address this issue despite (1) the fact that Petitioner submitted an extended letter from the Public Defender confirming Mr. Pereira Baretto's diligent, longstanding, fully compliant, and successful participation in Wellness Court and (2) that the Public Defender, the Municipal Prosecutor, and his Probation Officer were all standing by ready to testify in support of his bond application. The court had also "accepted" counsel's proffer

without any stated reservation. Finally, there was no evidence that Mr. Pereira Baretto has not been rehabilitated.⁵

A. Subject Matter Jurisdiction

While the Court lacks jurisdiction under 8 U.S.C. § 1226(e) to review discretionary bond decisions, the Court retains “habeas jurisdiction over constitutional claims or questions of law.” *Hernandez v. Hernandez*, 2026 WL 1723680, at *4 (W.D. Wash. June 15, 2026) (quoting *Hernandez v. Sessions*, 872 F.3d 976, 987 (9th Cir. 2017)).

Accordingly, “a district court has jurisdiction to review an IJ’s [Immigration Judge’s] discretionary bond denial where that bond denial is challenged as legally erroneous or unconstitutional.” *Kharis v. Sessions*, Case No. 18-cv-04800-JST, 2018 WL 5809432, *4 (N.D. Cal. Nov. 6, 2018) (collecting cases). Reviewable claims of legal error include application of the incorrect legal standard, ignoring or “seriously mischaracterizing” important facts, and irrational or unfounded application of a legal standard to an established set of facts. *Hinds v. Bondi*, No. 24-1878, 2026 WL 122480, at *2 (2d Cir. Jan. 16, 2026); *Soriano v. Hernandez*, No. 2:26-CV-00900-DGE, 2026 WL 969764, at *6 (W.D. Wash. Apr. 10, 2026) . . . Claims of constitutional injury, such as procedural due process violations, are also reviewable by a district court. *W.T.M. v. Bondi*, No. 2:25-CV-02428-RAJ-BAT, 2026 WL 262583, at *4 (W.D. Wash. Jan. 30, 2026) (applying *Mathews v. Eldridge*, 424 U.S. 319 (1976)).

⁵ After issuing her order, the deportation judge (improperly outside the record of the proceeding) emailed Petitioner a DOJ flyer encouraging Petitioner to self-deport to avoid fines and further imprisonment. Ex. 9. The flyer is legally inaccurate, factually misleading, and fails to account for available opportunities for relief such as, in Petitioner’s case, his pending I-751. Ex. 10, Stock Dec. pp. 5 – 6; *see also* Dkt. 33 pp. 2-3.

Hernandez, 2026 WL 1723680 at *4.

As noted in *Sandoval v. Hernandez*, 2026 WL 1661379, at *2 (W.D. Wash. June 9, 2026):

“The application of a statutory legal standard . . . to an established set of facts is a quintessential mixed question of law and fact,” which courts may review. *Wilkinson v. Garland*, 601 U.S. 209, 212 (2024). A bond denial premised on community danger or flight risk is such a mixed question subject to judicial review under an abuse of discretion standard. *See Martinez v. Clark*, 124 F.4th 775, 783 (9th Cir. 2024). Zavala Sandoval challenges whether the IJ afforded him a constitutionally adequate bond hearing—precisely the type of claim that § 1226(e) preserves for habeas review. *See id.* at 781–82.

See also, Vasquez Lopez v. Hernandez, 2026 WL 984151, at *2 (W.D. Wash.

April 13, 2026) (“The determination of whether a noncitizen is ‘dangerous’ or a flight risk for immigration detention purposes involves a mixed question of law and fact that is reviewable in habeas proceedings.”).

B. Prudential Exhaustion is Not Required Here

Federal courts have authority to grant writs of habeas corpus to individuals in custody if such custody is a “violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Exhaustion of administrative remedies under § 2241 is a prudential, rather than a jurisdictional, requirement.

Hernandez, 2026 WL 1723680, at *4.

To determine whether prudential exhaustion is appropriate, courts consider the following factors, often referred to as the *Puga* factors: (1) whether “agency expertise makes agency consideration necessary to generate a proper record and

reach a proper decision,” (2) whether “relaxation of the requirement would encourage the deliberate bypass of the administrative scheme,” and (3) whether “administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.” *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007); *Hernandez*, 2026 WL 1723680, at *4.

Courts regularly find that prudential exhaustion is not required for immigration bond determinations where, as here, agency expertise is not required to generate a proper record and reach a proper decision; the availability of habeas relief is not driving “deliberate bypass” of BIA appeals; and the BIA as now constituted is unlikely to make any correction that would benefit a non-citizen. *See, e.g., Hernandez*, 2026 WL 1723680, at *5; *Guzman-Juarez v. Wamsley*, 2025 WL 1911506, at *3 (W.D. Wash., July 2, 2026); *Hussaini v. Hermosillo*, 2026 WL 1733159, at *4 (W.D. Wash., June 16, 2026); *Sandoval v. Hernandez*, 2026 WL 1661379, at *3 (Wash., June 9, 2026); *Sanchez v. Hernandez*, 2026 WL 1492714, at *3 (W.D. Wash., May 28, 2026).

For example, the court in *Guzman-Juarez* stated:

[Respondents] argue that “the recent surge of 8 U.S.C. § 1226(a) bond hearing challenges filed in this Court demonstrates that allowing further relaxation of the exhaustion requirement would continue to encourage other detainees to directly appeal their bond determinations to federal district court.” Dkt. 5 at 7. Respondents confuse cause and effect. The “relaxation of the exhaustion requirement” is not the engine driving the influx of habeas petitions in this district; it is the lack of a meaningful or timely administrative remedy that leads petitioners—who face years of imprisonment if

they contest their removal proceedings—to turn to the habeas power of the federal courts.

Guzman-Juarez v. Wamsley, 2025 WL 1911506, at *3 (W.D. Wash. July 2, 2026).

Moreover, even if the *Puga* factors weigh in favor of prudential exhaustion (and they do not here):

[a] petitioner may avoid the requirement by demonstrating **any one** of the following *Laing* factors apply in their case: (1) “administrative remedies are inadequate or not efficacious,” (2) “pursuit of administrative remedies would be a futile gesture,” (3) “irreparable injury will result,” or (4) “the administrative proceedings would be void.” *Laing [v. Ashcroft]*, 370 F.3d [994] at 1000 (quoting *S.E.C. v. G.C. George Sec., Inc.*, 637 F.2d 685, 688 (9th Cir. 1981)).

Hernandez v. Hernandez, 2026 WL 1723680, at *5 (W.D. Wash. June 15, 2026) (emphasis added).

Courts regularly find that one or more *Laing* factors are present in contemporary immigration bond determinations. *See, e.g., Hernandez*, 2026 WL 1723680, at *5 (quoted immediately above); *Padilla Paz v. Hernandez*, 2026 WL 1413096, at *4 (W.D. Wash. May 15, 2026) (waiving any exhaustion requirement because “the BIA does not have jurisdiction to adjudicate constitutional issues”); *Sandoval v. Hernandez*, 2026 WL 1661379, at *3 (Petitioner “will suffer irreparable harm in the form of continued detention without a legally adequate opportunity to demonstrate entitled to bond. Government data reflects an average processing time of 204 days for BIA bond appeals”); *Haidari v. Scott*, 2026 WL 16286653, at *2 fn. 2 (W.D. Wash. June 5, 2026) (waiving prudential exhaustion

in light of resulting irreparable injury and because “the broader irregularities in bond hearings across the country . . . administrative remedies in the immigration system appear no longer efficacious,” quoting *Garcia Ortiz. v. Henkey*, 2026 WL 948275, at *3 (D. Idaho Apr. 7, 2026)); *Henao v. Hernandez*, 2026 WL 1492714, at *3 (W.D. Wash. May 28, 2026) (the BIA “largely functions now as simply a vessel for further delay of the eventual resolution of [a non-citizen’s] case.”); *Garcia Miranda v. Hernandez*, 2026 WL 1328227, at *3 (W.D. Wash. May 13, 2026) (“BIA review would inflict the kind of harm that the bond hearing was designed to prevent—that is, prolonged detention without meaningful process”).

C. The Failure to Address Petitioner’s Evidence Is an Abuse of Discretion

In *Soto Gimenez v. Hernandez*, 2026 WL 1156075, at *6 (W.D. Wash. April 29, 2026), the court found abuse of discretion in the denial of a bond “in the absence of a reasoned explanation supporting the IJ’s decisions, the absence of any record demonstrating the IJ meaningfully engaged with the governing legal standard, or evidence presented, and the IJ’s apparent refusal to recognize a material change in circumstances clearly demonstrated by the record.”

In *Abdelmasseh v. Scott*, 2026 WL 1815279, at *3 (W.D. Wash. June 24, 2026), the court similarly held:

[w]hile an IJ is not required to ‘discuss each piece of evidence submitted’ in assessing flight risk, an IJ’s ‘fail[ure] to mention highly probative or potentially dispositive evidence’ is a ‘red flag[]’ that undermines the assumption that the IJ considered the evidence

and applied the correct standard. *Martinez [v. Clark]*, 124 F.4th [775] at 785 [9th Cir. 2024]. Here, the IJ failed to mention several highly probative facts that undermine the Government’s efforts to show flight risk.

See also, M.A.C.C. v Hernandez, 2:26-cv-1550-SKV Dkt. 19 p. 15 (W.D. Wash. June 4, 2026) (immigration judge “failed to engage with factors weighing against that [denial] finding”).

Here the deportation judge did not “meaningfully engage” (or indeed engage at all) with Mr. Pereira Barreto’s evidence. Similarly, the deportation judge did not provide any explanation, much less a “reasoned explanation,” for disregarding that evidence.

D. The Failure to Grant Bond Was an Abuse of Discretion

Given the clear and uncontradicted evidence of Petitioner’s rehabilitation, it was an abuse of the discretion for the judge to deny bond.

The “Ninth Circuit has made clear that ‘criminal history alone will not always be sufficient to justify denial of bond on the basis of dangerousness. Rather, the recency and severity of the offenses must be considered.’” *Hernandez v. Hernandez*, 2026 WL 1723680, at *7 (W.D. Wash. June 15, 2026) (quoting *Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011)). *Singh* further stated “a conviction could have occurred years ago, and the alien could well have led an entirely law-abiding life since then. In such cases, denial of a bond on the basis of criminal history alone may not be warranted.” *Singh*, 638 F.3d at 1206.

Garcia Ortiz v. Henkey, 2026 WL 948275 (D. Idaho April 7, 2026), is instructive. Garcia Cortez is a citizen of Mexico who had lived in the United States since 2020. He was detained in January 2025 while attending a sentencing hearing for a misdemeanor DUI charge. The court granted Garcia Ortiz’s habeas petition and ordered Respondents to provide him with an individualized bond hearing, or alternatively, release him. A bond hearing was held before the immigration court in Tacoma, Washington in February 2016. The hearing occurred only six months after Garcia Ortiz’s August 2025 DUI arrest. Garcia Ortiz submitted evidence that he was sentenced to 180 days in jail with 179 suspended and one day credit for time served. “He also submitted proof of his compliance with alcohol education requirements and numerous letters of support from community members.” 2026 WL 948275, at *3.

The Court stated that in “concluding the Petitioner was a danger to the community, the Immigration Judge did not rely on evidence in the record.” *Id.* The Court noted:

it is clear that Petitioner did not receive an individualized hearing in accordance with this Court’s Order. In reaching this conclusion, the Court has not weighed evidence or assessed credibility—decisions committed to the discretion of the Immigration Judge. Rather, the conduct of the proceedings shows that the Immigration Judge did not truly consider the evidence before him. This “rubber-stamp” denial is a violation of due process and of this Court’s previous Order. *See Abdulai v. Ashcroft*, 239 F.3d 542, 550 (3d Cir. 2001).

2026 WL 948275, at *4. The court concluded:

it is also clear that a second bond hearing would not remedy the legal violation. *See Perez Sierra v. Margolin*, No. 25-18829, 2026 WL 800158, at *4 (D.N.J. Mar. 23, 2026). Given Petitioner’s minimal criminal history and strong ties to the United States, the Court finds that release is the appropriate remedy for his unlawful custody. This decision is consistent with the Court’s prior rulings in similar habeas actions.

Id.

Here Petitioner’s Public Defender provided a detailed written description of Petitioner’s extensive and successful rehabilitation efforts over the past two years, including the approaching completion of his intensive Wellness Program.⁶ In the “proffer” to which Petitioner was limited, counsel advised that Petitioner was prepared to present testimony from Petitioner’s Public Defender, the Municipal Prosecutor, and Petitioner’s Probation Officer that he was not a danger to the community or a flight risk. The judge “accepted” this proffer without reservation. There was no contrary evidence. The failure to grant bond in this situation was an abuse of discretion.

E. The Refusal to Permit Testimony was a Violation of Due Process

The deportation judge refused to permit testimony from Petitioner, Petitioner’s Public Defender, the Municipal Prosecutor, Petitioner’s Probation Officer, and Petitioner’s supervisors, co-workers, and patients. This was a violation of due process.

⁶ Ex. 3, Bond Hearing Exhibit 4.

Citing *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022), this Court recognized that a constitutionally adequate bond hearing required, among other features, a “hearing before a neutral decisionmaker” and the opportunity “to present evidence.” Order on Motion for Reconsideration, Dkt. 31 p. 2 (July 2, 2026). Here the deportation judge prevented Petitioner from presenting testimonial evidence regarding his central argument for release: namely his rehabilitation over the past two years. This is contrary to both statutory law and constitutional due process requirements.⁷

In *Colmenar v. I.N.S.*, 210 F.3d 967 (9th Cir. 2000), the Court found an immigration judge had wrongfully prevented a non-citizen from testifying regarding information included in his written application. The court observed:

the IJ behaved not as a neutral fact-finder interested in hearing the petitioner's evidence, but as a partisan adjudicator seeking to intimidate Colmenar and his counsel. The IJ refused to let Colmenar testify about who he believed had thrown the Molotov cocktail at him, despite the circumstantial evidence linking the incident to the threatening letter. He also refused to let Colmenar testify about anything that was included in his written application. This prevented Colmenar from elaborating on the fears he had expressed in his application. It also frustrated his attorney to the point that he was forced to end his examination of Colmenar after only a handful of questions. . . . Here, the IJ did his best to prevent a full examination of Colmenar, relying instead almost exclusively on Colmenar's written application to make his decision.

⁷ 8 USC § 1229a. Removal proceedings. “The immigration judge shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the alien and any witnesses. The immigration judge may issue subpoenas for the attendance of witnesses and presentation of evidence.”

210 F.3d at 971 – 72.⁸ Here the deportation judge’s ruling prohibiting Petitioner from testifying himself or calling witnesses violated Petitioner’s right to due process.

F. The Appropriate Remedy is to Require Petitioner’s Release

Mr. Pereira Barreto presented extensive written evidence demonstrating that he is, and has been for the past two years, fully compliant with his Wellness Program and is not a danger to the public. Respondents presented no contrary evidence. The deportation judge abused her discretion in denying bond given this evidence. Petitioner’s renewed motion for writ of habeas corpus should be granted and Petitioner ordered released from incarceration.⁹

Also supporting immediate release is that Respondents—having once been ordered to provide Petitioner with a constitutionally compliant bond hearing and failed—should not be allowed to inflict further incarceration and another sham bond hearing on Petitioner.¹⁰ The court in *Hussaini v. Hermosillo*, 2026 WL 1733159, at *9 (W.D. Wash. June 16, 2026), stated that:

⁸ Cf. *Elpedes-Agudo v. Sessions*, 706 Fed. Appx. 904, 905 (9th Cir. 2017) (non-citizen not denied full and fair hearing when immigration judge “permitted him to testify, call witnesses, and submit documentary evidence”); *Asker v. Newsom*, 81 F.4th 863, 878 (9th Cir. 2023) (due process rights of inmate facing disciplinary hearing include “the ability to call witnesses”).

⁹ Immediate release is additionally appropriate because the testimonial evidence Petitioner would have presented—had the deportation judge not violated Petitioner’s due process rights—would have further supported release on bond.

¹⁰ *Hernandez v. Hernandez*, 2026 WL 1723680, at *4 (W.D. Wash. June 15, 2026) (“federal district courts are ‘not required to countenance a sham’ when reviewing discretionary bond determinations) (quoting *Garcia Ortiz v. Henkey*,

[f]ederal courts have “a fair amount of flexibility” in fashioning specific habeas relief. *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005); *Soriano*, 2026 WL 969764, at *6. Under the circumstances, the Court finds no basis for petitioner's continued detention and concludes immediate release with reasonable conditions of supervision is the appropriate remedy. *Soriano*, 2026 WL 969764, at *6 (citing *W.T.M.*, 2026 WL 262583, at *5; *Garcia v. Hyde*, 817 F. Supp. 3d 112, 131, (D.R.I. Dec. 3, 2025) (ordering habeas petitioner's immediate release from custody “[g]iven the due process violations that pervaded his bond hearing[.]”).¹¹

Also important is that the government is essentially contending that

ICE can detain Mr. Pereira Barreto for the rest of his life. ICE detained

Petitioner in connection with USCIS’s recent institution of deportation

2026 WL 948275, at *4 (D. Idaho Apr. 7, 2026); *Loya Medina v. Hernandez*, 2026 WL 1260848, at *6 (W.D. Wash. May 7, 2026) (not required to countenance sham bond determination); *Soto Gimenez v. Hernandez*, 2026 WL 1156075, at *6 (W.D. Wash. April 29, 2026) (not required to countenance sham bond determination); *Benipal v. Rokosky*, 2026 WL 1355010, at *12 (D. Ariz. June 4, 2026) (noting evidence that immigration judges “across the country are systematically denying bond to alien detainees, regardless of the weight of the evidence”).

¹¹ See also *Hernandez v. Hernandez*, 2026 WL 1723680, at *4 (W.D. Wash. June 15, 2026) (“Respondents have already been afforded an opportunity to cure legal deficiencies under Petitioner’s detention. Respondents have failed to do so. Accordingly, the Court concludes that no further immigration bond proceedings are necessary or appropriate.”); *Garcia Ortiz v. Henkey*, 2026 WL 948275, at *4 (D. Idaho April 7, 2026) (The immigration judge “did not truly consider the evidence before him. This ‘rubber stamp’ denial is a violation of due process and this Court’s previous Order. . . . It is also clear that a second bond hearing would not remedy the legal violation.”); *W.T.M. v. Bondi*, 2026 WL 262583, at *5 (W.D. Wash. Jan. 30, 2026) (“Having concluded that the process afforded to justify Petitioner’s detention was constitutionally defective . . . the Court finds that immediate release subject to reasonable conditions of supervision is appropriate.”); *M.A.C.C. v. Hernandez*, 2:26-cv-1550-SKV Dkt. 19 p. 16 (W.D. Wash. June 4, 2026) (“Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release,” quoting *Munaf v. Green*, 553 U.S. 674, 693 (2008)).

(removal) proceedings.¹² The removal proceedings were instituted following Petitioner's lack of response to a USCIS Request for Evidence (probably because the Request was discarded by his estranged wife) and USCIS then terminated his "green card." But Petitioner has now filed a new I-751. DHS is not attempting to deport Petitioner based on his DUI arrests because being charged with DUI is not a deportable offense. *See, e.g., Leocal v. Ashcroft*, 543 U.S. 1 (2004). Petitioner has filed an I-751 to lift the condition on his green card, approval of which will render his green card status permanent. Petitioner cannot be ordered deported while he has a pending I-751.¹³ If unsuccessful with USCIS for some unexpected reason on the most recently filed I-751, Petitioner can continue to file successive I-751s, including an I-751 waiver based on abuse by his former

¹² USCIS had issued a **non-detained** Notice to Appear (NTA) for removal proceedings to Petitioner. (*See* Notice to Appear for an October 14, 2026 hearing at a public (non-detention) Anchorage immigration courtroom. Ex. 8, Bond Hearing Ex. 19 p. 2.) Nevertheless, a different DHS agency, ICE, made a contrary decision to detain Petitioner, apparently to bolster the Anchorage ICE office's detention statistics. *See, e.g., Benipal v. Rosky*, 2026 WL 1355010, at *8 (D. Ariz. April 23, 2026) (government's apparent interest into taking Petitioner into custody "is to fulfill a quota of arrests set by the current administration").

¹³ *See* USCIS Policy Manual, Vol. 6, Ch. I, part 7 ("USCIS has original jurisdiction over all pending Forms I-751, whether they are joint petitions, individual filing request, or waiver request. The conditional permanent resident (CPR) must file the Form I-751 with USCIS, even if the CPR is in removal proceedings. If a CPR is in removal proceedings and has filed the Form I-751, USCIS must adjudicate the petition before an immigration judge (IJ) can review it.").

spouse.¹⁴ In short, the government will never be able to deport Mr. Pereira Barreto. That situation, coupled with the deportation judge's view that the existence of a DUI (regardless of subsequent rehabilitation) makes an individual a danger to the community, means that ICE could hold someone in Mr. Pereira Barreto's situation in detention in perpetuity.

III. CONCLUSION

Denying Petitioner bond given the uncontested evidence and "accepted" proffer was an abuse of discretion. Preventing Petitioner from calling witnesses was an abuse of discretion. Failing to meaningfully engage with the evidence in the process of denying bond was an abuse of discretion. The Court should grant Petitioner's renewed motion for writ of habeas corpus and order Respondents to immediately release Petitioner from detention.

DATED this 10th day of July, 2026.

/s/ Margaret D. Stock
Margaret D., Stock, Esq.
Alaska State Bar No.: 9306036

/s/ Kristine A. Quint
Kristine A. Quint, Esq.
Alaska State Bar No. 2411132

Cascadia Cross Border Law Group LLC
4300 B Street, Suite 207
Anchorage, AK 99503

¹⁴ See USCIS Policy Manual, Vol. 6, Ch. I, Part 6 ("There are no regulatory limits on how many times a CPR may file Form I-751. For example, a CPR who initially files a joint petition may subsequently file another joint petition or a waiver request."); Ex. 5 Aff. Pereira Barreto.

Email: mstock@cascadialawalaska.com

Email: kquint@cascadialawalaska.com

Telephone: (907) 242-5800

Facsimile: (360) 676-5459

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2026, a true and correct copy of the foregoing was served electronically on the following:

Joshua A. Traini

Josh.Traini@ujsdoj.gov

Attorney for the Federal Respondents

Exhibit 3:

Bond Worksheet for Honorio Latyr Pereira Barreto

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]
Page 53 of 141

Exhibit 3
Page 1 of 3

BOND WORKSHEET

Alien's name: Honorio Latyr Pereira Barreto Alien number: A 
Attorney's name: Margaret Stock Phone number: (9 
Interpreter requested: ☒ (yes/no); Language: French
Initial bond set: \$ None Bond requested: \$ 1,000

EQUITIES

Age: 31 Marital Status: Divorced Date of marriage: N/A
Spouse's status: N/A Children (yes ☒ no) Number of children: 0

List children's names, dates of birth, and places of birth (attach copies of birth certificates):

None, _____, _____
_____, _____, _____
_____, _____, _____

Use additional sheets if necessary

Birthplace of mother: Dakar, Senegal Birthplace of father: Senegal
Status of mother: In Senegal Status of father: Deceased

Will respondent make any claims of citizenship to the United States? (yes ☒ no)
Will the claim be by birth (in U.S.), naturalization, acquisition or derivation? _____

Does respondent have any brothers/sisters in the United States? (yes ☒ no)

List siblings' names, dates of birth, and status(es) in the United States:

None, _____, _____
_____, _____, _____
_____, _____, _____

Use additional sheets if necessary

First date respondent entered United States: 01/14/2020 Current status: Conditional permanent resident

Years resided in U.S.: 6 Date received permanent residence: 12/2/2020

PEREIRA BARRETO, Honorio Latyr

A 
Page 3 of 141

Exhibit 3
Page 2 of 3

Education received (both in U.S. and elsewhere): CNA, BA in Business Administration

Use additional sheets to lists schools attended, graduation dates, etc.

Has respondent been employed in the United States? ☒yes/no

Does respondent have authorization to work in the United States? ☒yes/no

Has respondent ever used illegal documentation to work in the United States? (yes/☒no)

List last three places of employment, dates of employment, and last salary received:

[Redacted area]

Where will respondent reside if released? [Redacted]

With whom will respondent reside? Roomates

List all convictions of, dates of convictions, sentences received, and time served by respondent

No criminal convictions, _____, _____, _____,
_____, _____, _____, _____,
_____, _____, _____, _____

Date respondent came into custody of the Immigration Service: 06/11/2026

How did respondent come into Immigration Service custody? Arrest outside Wellness Court

Is respondent subject to mandatory custody provisions of section 236 (c) of the Act? (yes/☒no)

List all forms of relief which respondent will seek: Review of I-751,
_____, _____,
_____, _____

Other considerations: I-751 pending with USCIS

PEREIRA BARRETO, Honorio Latyr

A [Redacted]
Page 55 of 141

Exhibit 3
Page 3 of 3



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- ★ Make decisions with generational consequences; ensure that only aliens with legally meritorious claims are allowed to remain
- ★ Ensure adherence to the law; combat fraud and ensure those seeking to exploit vulnerabilities in our immigration system are not successful
- ★ Restore integrity and honor to our Nation's Immigration Court system

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APPLY NOW FOR
REMOTE POSTINGS



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Exhibit 5:

**Declaration of Randall Patterson, Assistant Public Defender appointed to represent
Honorio Latyr Pereira Barreto in his pending Municipality of Anchorage cases**

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

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**Exhibit 5
Page 1 of 4**

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ALASKA

		)
HONORIO LATYR PEREIRA BARRETO,	)	Case No. 3:26-cv-00235
Petitioner,	)	
v.	)	DECLARATION OF
STATE OF ALASKA, Department of	)	RANDALL PATTERSON
Corrections; ARNALDO HERNANDEZ,	)	
Superintendent of the Anchorage Correctional	)	
Complex, in his official capacity; U.S.	)	
IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT; DAVID VENTURELLA,	)	
Acting Director, in his official capacity, and	)	
LAURA HERMOSILLO, Field Office Director,	)	
Seattle Field Office; DEPARTMENT OF	)	
HOMELAND SECURITY; MARKWAYNE	)	
MULLIN, Secretary, in his official capacity,	)	
Respondents.	)	

I, Randall Patterson, hereby make the following declaration with respect to the above-captioned matter:

1. My name is Randall Patterson. I am a citizen of the United States and I reside in Anchorage, AK. I am Honorio Latyr Pereira Barreto's attorney. My mailing address is 900 W. 5th Ave, Suite 101, Anchorage, Alaska 99501. My phone number is (907) 334-4435 and my email is randall.patterson@alaska.gov. I am competent in all respects to testify to the matters set forth herein.
2. I am the Assistant Public Defender representing Honorio Latyr Pereira Barreto in two pending Municipality of Anchorage cases, 3AN-23-02803CR & 3AN-24-01874CR. Removing Mr. Barreto to Washington State would significantly impact my ability to represent him in these matters. The Municipal Defense Contract under which the Alaska Public Defender Agency and I represent Mr. Barreto is not funded for travel. I would not be able to meet with Mr. Barreto to provide adequate legal representation.

3. Mr. Barreto is participating in Anchorage Municipal Wellness Court, a Therapeutic Court of the Alaska Court System. He has been in Wellness Court since November of 2024 and is in good standing with that program. As part of that program, Mr. Barreto is required to meet regularly with a probation officer, attend near daily treatment meetings, and submit to random urinalysis. He is compliant with all those requirements. In addition, Mr. Barreto is required to attend a court hearing every other week where his progress is addressed by Anchorage District Court Judge Michael Logue or Michael Franciosi, and previously Judge David Wallace. As such, he has attended over 50 separate court hearings. Upon completion of the Wellness Court program, I have assurance from Assistant Municipal Prosecutor Chris Storz that Mr. Barreto's cases will be reduced to one count with a requirement to pay restitution. Mr. Barreto will also have received extensive treatment and will have been clean and sober for over nearly two years. Having Mr. Barreto complete the Wellness Court regimen is not only in his best interest but also serves the interests of the community as a whole. He would be unable to participate in Wellness Court if removed from Alaska.
4. I have spoken to, or emailed with, several of the Anchorage Municipal Wellness Court team members and participants and they all, without exception, have expressed their desire to see Mr. Barreto remain in the program. This includes the Program Director Michelle Delkettie, two probation officers, Ebony Evans and Lanetta Riley, Assistant Municipal Prosecutor Chris Storz, and Akeela House Treatment Coordinator Demetrius Lalofau.
5. On a personal note, I have represented Mr. Barreto for over a year and have had the opportunity to get to know him fairly well. As a Public Defender handling almost

exclusively municipal misdemeanor cases, I don't usually get the opportunity to work with someone as extensively as I have Mr. Barreto. I have witnessed the progress Mr. Barreto has made in Wellness Court and his personal achievements since February of 2025. Mr. Barreto is dedicated to the Wellness Court program and its goals. In addition to his success in the program, he renewed his medical care provider certification. He is hardworking, often holding down multiple jobs while still meeting the rigorous requirements of the program. I think it would be a great loss to the community if he were not permitted to complete the Wellness Court program. I believe he is, and will continue to be, an asset to the Anchorage community.

Executed this 15th day of June, 2026.



Randall Patterson
Alaska Bar No. 9311086

Exhibit 10:

Copy of letter of support from Angela Sundstrom, Honorio Latyr Pereira Barreto's bond obligor

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 10
Page 1 of 4

Angela Sundstrom
Enhabit Home Health and Hospice
Volunteer Coordinator

Re: Honorio Latyr Pereira Barreto

Honorable Judge:

I am the Volunteer Coordinator/Receptionist/Intake Coordinator/Medical Records for Enhabit Hospice in Anchorage. I have had the pleasure of working with Honorio Latyr Pereira Barreto ever since January, when he was hired to be our CNA. As a U.S. Citizen and resident of Anchorage Municipality, I have seen first hand the positive contributions he has made with our Hospice and Home Health patients & colleagues, as well as to our branch moral.

As our only CNA, Latyr provides direct patient care to our Hospice patients as well as our Home Health patients. He assists with daily activities like bathing & dressing, changing linens, monitoring vitals & ensuring patient comfort in their home setting. This is a highly personal level of care. He consistently earns his patients' trust with his compassion, empathy and gentle hands. The family members of hospice patients and home health patients comment on how much they appreciate his gentleness with their loved one.

Hardworking - two full time jobs (Enhabit and a Pizzeria) (I believe it was only in the past week or two that he quit at the pizzeria. I know he was working both jobs when he volunteered on his own time to help set up and support our table that afternoon at the Chugiak Sr Ctr Health Fair on May 2nd. That was the day I got to see first hand how Latyr has a special gift in his ability to connect with Senior Citizens. He is quiet and humble, so when people come up to our booth they are surprised when he looks at them with a playful twinkle in his eye. They would come back multiple times just to start a conversation with Latyr specifically. I think it's the sincerity and playfulness that draws them in. And he has a way of making everyone around him feel safe. Never a nasty word about anyone, only kind words have I ever heard come out of his mouth. His main priority is to our hospice patients and home health patients, but he is always willing to do whatever needs to be done - he runs supplies, medications, copier paper & toner. He stays busy always.

Compassionate - He visits patients at their homes, but also at assisted living facilities & he does not like seeing our patients being mistreated by the caregivers at these places. Some of these patients are bed bound, nonverbal, no family to check on them. This is the only time I see him get "fired up" - when he sees injustices in patient care (not changing their briefs timely, bruises) or in patient's supplies (taking our patient's supplies & using them on other residents at the ALH), and sends us pictures and communicates back to us so we can go in and assess the situation. Some of us from the office went for a hike after work & one girl thought she lost her keys on the trail. Everyone was leaving & he went with her to look for them so she wouldn't be alone.

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 10
Page 2 of 4

Reliable - despite working two full time jobs he consistently showed up on time, whether it was at the branch, for a meeting or to see his patients. I remember him coming in late for one meeting, he had worked 116 hours and gotten home at 1am or something & overslept. He was honest & he apologized. If an Enhabit employee misses an appointment with a patient and they call the office, I'm the person who gets the call. I have never had a patient say Latyre didn't show or was late for an appointment.

Thoughtful - while working 2 jobs - for our potluck at work, he chose to "cook something healthy for his friends" from scratch a pot of authentic Yassa complete with fluffy white rice, & he even brought the oil & green olives! (Meanwhile, others contributed a bag of chips or box of donuts). Our Director returned from maternity leave with no place to pump milk (her office wall is made of glass - the whole wall!) not in the bathrooms, no closets, nothing). We're all thinking this over and pondering where other than the stairwell could she go...then we notice Latyr is gone. 15 min later he had rigged up ceiling to floor velvet upholstery curtains to give her the privacy she needs to pump milk for her infant at home.

Generous - The sun finally came out on a chilly, windy Friday afternoon, 4 of us agreed to meet at the beach by the airport to take a walk and look for rocks. He showed up with a steaming London Fog for the two tea drinkers and a coffee for the coffee drinker! One afternoon when we were all having a trying day at the office trying to figure out coverage with a short staff of nurses, he brought each of us a tiramisu. That uplifted our spirits just when we needed it.

He made things lighter in our office when he arrived. I have seen how he pays attention to others needs before his own and his empathetic nature enough to confidently say there is no way this man would be a danger to another human being. His authenticity, compassion and calming presence is exactly what our homebound patients especially our Hospice Patients! need and our workplace craves! Now, not only does our workplace crave him, he is really needed. We are short staffed right now. Our Scheduler and Human Resources person's last day was Friday the 12th. We are running at a shortage on nurses while new hires are just now in training. Please let him come back to work as soon as possible.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

Sincerely,


Angela Sundstrom

6/14/2026

Exhibit 11:

Copy of letter of support from Keeli Raye Long

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 11
Page 1 of 4

Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon
Re: Honorio Latyr Pereira Barreto

Honorable Judge:

I'm an Area Manager with Enhabit Home Health and Hospice, I communicate with Latyr on a daily basis as the employee that sets him up with his home health and hospice patients. I met Latyr when he began his employment with Enhabit in January of 2026, we have worked together since that time.

Latyr is one of our most complimented employees at our branch. We are told by families how comforting he is to our hospice patients. Family members call in to tell him thank you for how gentle he was with their loved one. He goes above and beyond for our team and our patients without any hesitation or complaint. Sometimes families can't get to the pharmacy to pick up needed medications for their loved ones and we can help if we have the time. Latyr is one of the most reliable employees that often offers to help without even being asked.

He is such a joy to work with. We often joke about hoping it's Latyr when we hear the office door open and wondering what our "life coach" will teach us today. He is extremely intuitive and knows what you need before you can even express it and he's already thought of the solution. He has such a loving and giving heart that makes everyone so drawn to him. When I've had to go to health fairs or work on the weekend, he asks if I would like help or would just like someone else to be there so that I'm not alone. Just him not being here this past week has left a heavy void for every single one of us and especially our patients. I have personally seen him and the relationships he has formed with our home health and hospice patients and families. The way Latyr cares for people is nothing short of extraordinary. The compassion, dignity, and love he shows through even the smallest acts of care is truly beautiful to witness and hear about.

We have a hospice family who have very strict religious values and practices. At first the wife didn't want anyone touching her husband except her, but she was experiencing caregiver burnout. Latyr continued to show up in other ways for the family in the home while educating on the importance of hygiene and how it contributes to wellness, quality of life, and reduces chance of infection. After a short amount of time, Latyr built this amazing bond with the wife and husband. Latyr is the only other person she lets touch him and has recently asked if she can honor Latyr at her husband's funeral when he passes. She took a photo of Latyr and her husband together giving a thumbs up and said it will be displayed in the church.

There are several situations where I tell families I have a male CNA and they're hesitant and I think to myself, "just wait until they meet him and they'll love him" and I can't think of an example where this hasn't been the case.

We have another hospice patient experiencing depression due to what he is experiencing physically and losing his wife. Because he is more alone now, Latyr and I both bring him his medication for support/companionship. This gentleman's whole demeanor changes with Latyr. I wanted to say hi to him because he is very dear to my heart. Latyr's appointment was beginning with him so I didn't stay long, but watching the interaction between the 2 of them and how our hospice patient lit up made me so happy. Latyr tells me about how they make each other laugh when Latyr is washing his feet in the shower, because his feet are very ticklish. When you think

PEREIRA BARRETO, Honorio Latyr

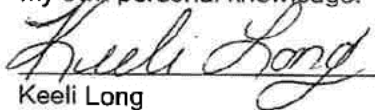
A [REDACTED]

about a quiet man, dealing with loneliness and depression, and knowing Latyr is there taking care of him, it makes me feel good about my job and my efforts.

Latyr has a very healthy and active lifestyle. We know this because he is always asking us to go on hikes with him, showing us pictures of the hikes he goes on, or encouraging us to eat better. I mention this because the way he values and cherishes all areas of life is something so sweet and refreshing. He cares so deeply about taking care of himself and those around him and is a very big proponent of "Self Love." He has stickers all over his car that say it, funny enough. He constantly wants everyone to feel loved and taken care of. When our Director got back from maternity leave, she didn't have a private spot to pump where she wasn't stressed about being seen or had to go sit in the backseat of her car with all the windows in our office. Without being asked, Latyr brought curtains in and tacked them up around her office creating more privacy for her.

There are so many examples I could give that show his heart and character. The people that know him absolutely love and cherish him. He handles everything with such grace and his demeanor is so calming for our team and me. In the 5 months I've known him I don't think I've ever seen him truly angry or show signs of being stressed outwardly, even when we knew he was working 2 jobs. He is usually the one telling us to remain kind and that's the best way to win. We feel safe with him, our patients love him and feel safe with him too. We just celebrated his 31st birthday with him by going on a hike, like he wanted. He hasn't had very many of his birthdays celebrated, you could tell it meant a lot to him and he expressed how thankful he was to have people in his life that cared for him. We need Latyr back and not just for our patients who treasure him, but because of how much we treasure the ways he has added to our lives as well.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.



Keeli Long

6/15/2026



PEREIRA BARRETO, Honorio Latyr

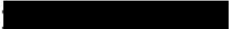
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Exhibit 11
Page 3 of 4

Exhibit 12:

Copy of letter of support from Chami Krueger

PEREIRA BARRETO, Honorio Latyr

A 1

Exhibit 12
Page 1 of 2

June 15, 2026

Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

Re: Honorio Latyr Pereira Barreto

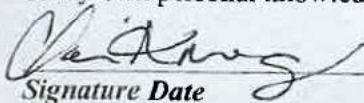
Honorable Judge:

My job title at Enhabit Home Health and Hospice: ^{Licensed} Medical Social Worker
I came to know Latyr: through work + patient care coordination
I have known him for how long: 3-4 months
I have worked with him for how long: 3-4 months

Latyr is one of the best people I have ever met. He has a heart of gold + deep love for others. As a health care worker, Latyr holds a special relationship with his patients - often receiving feedback from patients + coworkers about how amazing he is. Latyr makes everyone feel welcome through his gentle nature, and is genuinely a loving human. Latyr has supported me when I have needed assistance with patients without question + is always the first to offer support. The fact that Latyr is living through this ordeal is offensive to not just what our country has always stood for, it is governmental overreach. Latyr is a legal citizen, holds full time employment, is our patients favorite caretaker, + has a soul worth advocating for.

Do you believe Latyr would be a danger to another person? Absolutely Not
Why? Because Latyr is gentle, loving, + dedicated to supporting his community

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.


Signature Date

June 15, 2026

Full

Name: Chami Krueger, CMCW

Physical

Address:

Telephone:

PEREIRA BARRETO, Honorio Latyr

A

Exhibit 13:

Copy of letter of support from Glenn Dilley

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 13
Page 1 of 2

June 15, 2026

Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

Re: Honorio Latyr Pereira Barreto

Honorable Judge:

My job title at Enhabit Home Health and Hospice: ✓

I came to know Latyr: When he became my helper (CNA)

I have known him for how long: Since January 2026

I have worked with him for how long: 5-6 months

Always taken care of me

Always so nice to me

He is just so kind

I want him to stay here

I want him to be my helper

I have a great relationship with him

I love him

I trust him

He is so considerate and polite

I would trust him to live with me and I want him to
if he needs somewhere to stay when this is over

Latyr is my friend

Do you believe Latyr would be a danger to another person? Absolutely Not

Why? He would never hurt someone, he's
so loving and kind

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

Glenn Dilley

6/15/2026

Signature Date

Full

Name: Glenn Dilley

Physical

Address:

Telephone:

Exhibit 14:

Copy of letter of support from Judy Ann Wolverton and David Bruce Wolverton

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 14
Page 1 of 3

15 Jun 2026

Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

Re: Honorio Latyr Pereira Barreto

Honorable Judge:

My husband, David B. Wolverton, is a hospice patient of Enhabit Home Health & Hospice. We first met Latyr (as he is usually known—incidentally, that name in French means "The Provider") on 11 Feb 2026, the day of Dave's admittance into the program. My husband is age 83, and has both Vascular Dementia and Alzheimer's. He is usually cognizant, but has been unable to get out of bed since 06 Oct 2025.

Latyr has been such a help to us. He faithfully comes twice a week to give my husband a bath. In addition, he washes his hair and beard, clips his nails, applies lotion for Dave's psoriasis, and cheerfully does anything else that we request. Everything he does has not only been professional, but also with a caring and compassionate attitude. He is very respectful of Dave's privacy and of our religious requirements. I have found him to be very teachable, and grateful for new information and ways of doing things.

He regularly performs service for us that we hadn't thought to ask for. On Friday's he brings our trash and recycling cans up from the street and puts them away. He also checks to see if any of Dave's medications are ready and picks them up for us, saving me a great deal of effort. Otherwise, I'd need to find someone to watch my husband while I went across town to get them. He makes sure that we don't run out of necessary supplies for my spouse. He's even volunteered to vacuum for us, as well as take out the trash.

Latyr is very dependable. If he needs to adjust the schedule to accommodate another patient, he will first call and ask if it's OK with us. He's mentioned how distressing it is to see some of his patients being treated with a lack of good care. In those cases, he has documented the details, with pictures, and submitted the information.

We have come to care greatly for Latyr, and often pray for his safety as he travels the long roads between here and the Matanuska-Susitna Valley, and as he goes on hikes along our wildlife-prone trails.

We talk of our life experiences with Latyr as he works, and he reciprocates. He told me that as he's watched the interaction between my husband and myself, that it has inspired him to treat people even better than he already does now. He has become a friend, and I would trust him with the key to my house.

We have never heard Latyr swear. He is a God-fearing young man, who calls his mother regularly to check on her. As far as we know, he has been a law-abiding legal alien resident in the United States for a few years. He even keeps up the insurance on his vehicle. He was born in Senegal, and speaks Wolof, French, Spanish, and English. To us, he is a valuable and useful member of society. We have missed having him in our home these past few days.

Please allow Latyr to remain here. Remember, in this our 250th Anniversary year, that everyone in this country is one of three things: a full-blooded Native American, a descendant of an immigrant, or an immigrant themselves.

Thank you for your consideration.

PEREIRA BARRETO, Honorio Latyr

A 201-977-460

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

Judy Ann Wolverton
Judy Ann Wolverton

15 Jun 2026
Date



I agree.

David B Wolverton
David Bruce Wolverton

15 Jun 2026
Date

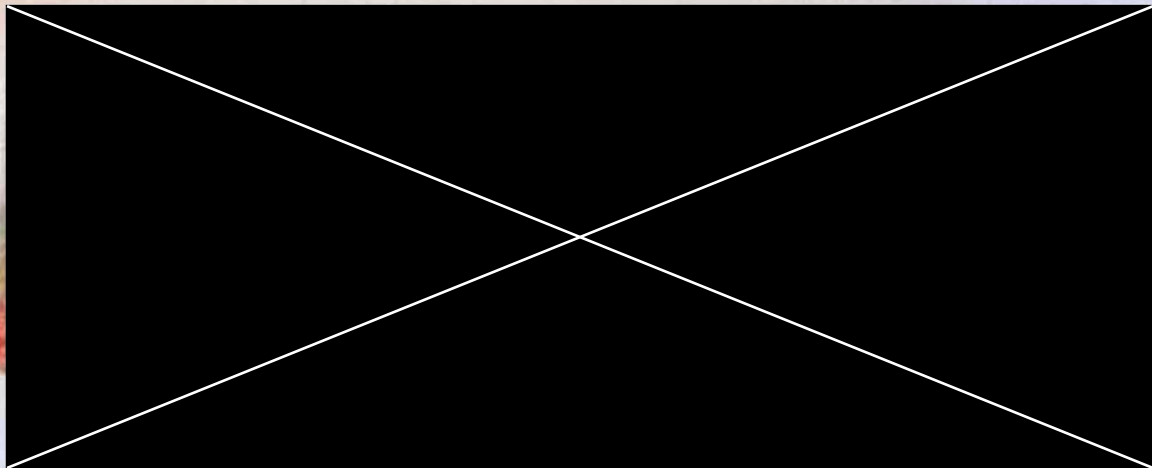
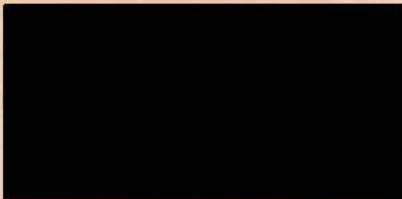


Exhibit 15:

Copy of letter of support from Marciana Abuan Dressel

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 15
Page 1 of 2

June 15, 2026

Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

Re: Honorio Latyr Pereira Barreto

Honorable Judge:

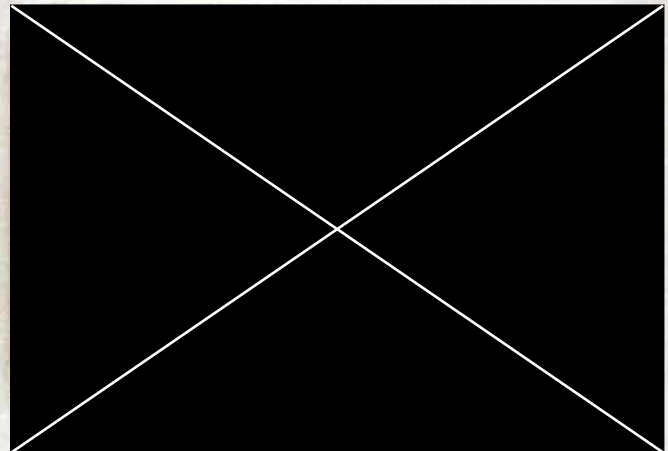
I am wife and sole caregiver of my husband, Robert Dressel, who is under Home Health services through Enhabit. Latyr came to help my husband about 1 month ago for the first time on May 22. He come to my house one to two times a week to bathe and dress my husband who has been bed bound and is working with physical therapy to get his strength back and to walk again.

He has always been reliable and he shows up on time. He is calm, patient and very kind. I like that he is gentle with my husband. He always ask me "how are you today, what else can I do to help you Sally?" We have conversation, Latyr is polite and let me ask him questions. I ask him to tell me about himself. He tell me where he is from, Senegal, and his mother & siblings are still there, his father has passed. I ask him how he decided he wanted to be a CNA, he said because he took care of his grandfather at the end of his days and he was grateful to be able to help him the way he did.

Latyr has a tender, calm and generous nature, makes people feel safe and important. He is too sweet-natured to be able to hurt another human being.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.

Marciana Sally Dressel June 15 2026
Marciana "Sally" Dressel Date



PEREIRA BARRETO, Honorio Latyr

A 1

Exhibit 15
Page 2 of 2

Exhibit 16:

Copy of letter of support from Alexis Lochner

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

Exhibit 16
Page 1 of 3

June 16, 2026

Executive Office for Immigration Review
Office of the Immigration Judge
Portland, Oregon

Re: Honorio Latyr Pereira Barreto

Honorable Judge:

I am the Director of Operations for Enhabit Home Health and Hospice in Anchorage Alaska, and supervisor to Honorio "Latyr" Pereira Barreto. I have had the pleasure of knowing him a little over 6 months, since he began working at our branch as our Certified Nursing Assistant on January 5, 2026. This position entails assisting our Hospice as well as Home Health patients with daily living activities, such as bathing, dressing, feeding and helping with mobility either in their home or at an Assisted Living Facility/Home. He monitors vital signs and he reports changes in patient conditions to the appropriate personnel.

I am writing in support of Mr. Honorio Latyr Pereira Barreto whom I have had the privilege of knowing, supervising, and working alongside as both a colleague and friend. I respectfully ask the Court to consider his exceptional character, compassion, and the tremendous positive impact he has had on the lives of countless patients, families, and coworkers.

I have been a nurse for almost a decade, working in multiple settings with numerous clinicians. Latyr is by far one of the best CNAs I have ever worked with. He is genuine, sincere, and kind-hearted beyond what you can imagine. He consistently demonstrates compassion not only through his words, but through his actions as well. Working in hospice care requires a unique combination of empathy, patience, integrity, dignity, and selflessness, and Latyr embodies these qualities every day. He provides extraordinary care to elderly and seriously ill patients, treating each person with respect, warmth, and humanity. The bonds he forms with patients and families are remarkable. In fact, some patients have been so touched by his kindness and care that they have expressed their wishes for him to be honored at their funerals. This speaks volumes about the care he provides during the most vulnerable moments of people's lives. The impact of Latyr's absence this week has been a testament to how much he is loved.

Furthermore, Latyr's kindness extends beyond his patients and into interactions with his coworkers, and even myself, as his supervisor. When I returned from maternity leave recently after the birth of my daughter, I needed a private space to pump breast milk during the workday. When Latyr saw me brainstorming ideas to create a private space in an office with a glass wall. Without being asked, he used his own lunch break to drive home, retrieve a set of velvet curtains and rods to hang covering the entire wall from ceiling to floor to hand over my office. He did not ask for anything in return and said he was happy to see the curtains go towards a good cause. His willingness to sacrifice his personal time to help a colleague is a perfect example of the selflessness that defines his character.

In other examples, when Latyr was still in training and we were traveling between patient visits Latyr insisted on pumping gas for me while in between patient visits. It was not expected, nor was it

PEREIRA BARRETO, Honorio Latyr

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Exhibit 16
Page 2 of 3

necessary, but it was simply his nature to look for ways to help others and make their day easier. He is always the first to offer help, even at the sacrifice of his own time or finances.

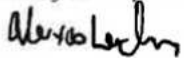
In another instance, during an employee potluck, we asked if staff could bring a food dish to share. Rather than choosing a simple dish, Latyr called his mother in Senegal to obtain the highest-quality traditional recipe, requiring multiple hours of prep, and authentic spices, so that he could share a genuine part of his culture with our team. This thoughtful gesture reflected both his pride in his background and his desire to bring people together.

One of Latyr's greatest gifts is his ability to connect with people from all walks of life. On one hospice admission visit, I witnessed him use his fluency in multiple languages to comfort a patient who was frightened and struggling to communicate. The immediate sense of relief and connection that he created was extraordinary. His language skills allowed him to provide emotional support that went far beyond medical care, helping the patient feel seen, understood, and safe.

Throughout the time I have known him, Latyr has consistently demonstrated integrity, humility, generosity, and compassion. He is the type of person who instinctively places the needs of others before his own. Patients trust him, families appreciate him, and coworkers value him deeply. His presence has enriched our workplace and improved the lives of many people in our community.

I respectfully ask the Court to consider the remarkable character of this man and the countless ways he has positively impacted those around him. I can say without hesitation that Latyr is an individual of exceptional moral character whose kindness, dedication, and humanity are evident in everything he does. As one of our most valued employees he would absolutely be welcomed back when released from Immigration Custody.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge.



Signature

6/16/2026

Date

ALEXIS LOCHNER



PEREIRA BARRETO, Honorio Latyr

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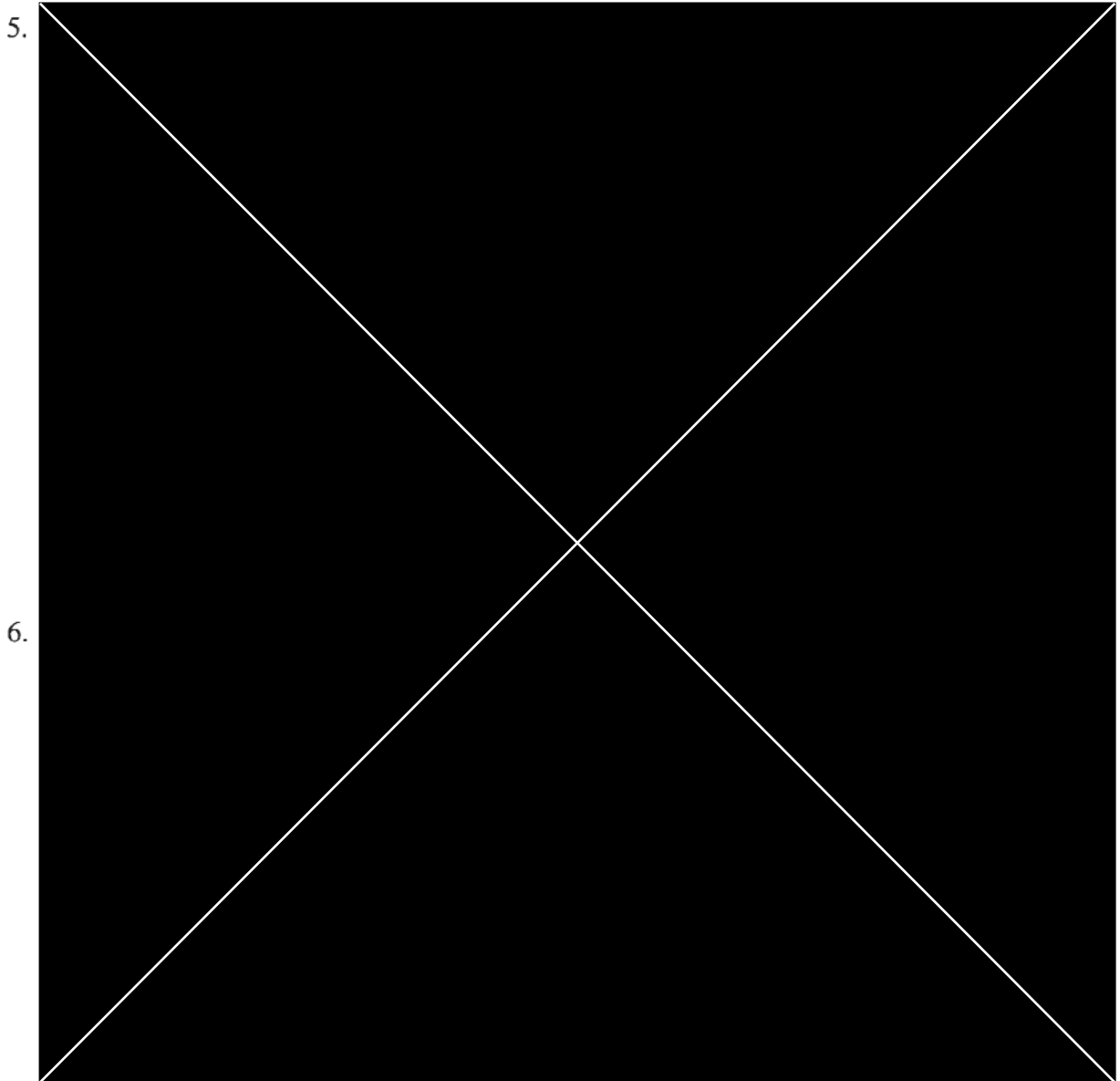
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AFFIDAVIT OF HONORIO LATYR PEREIRA BARRETO

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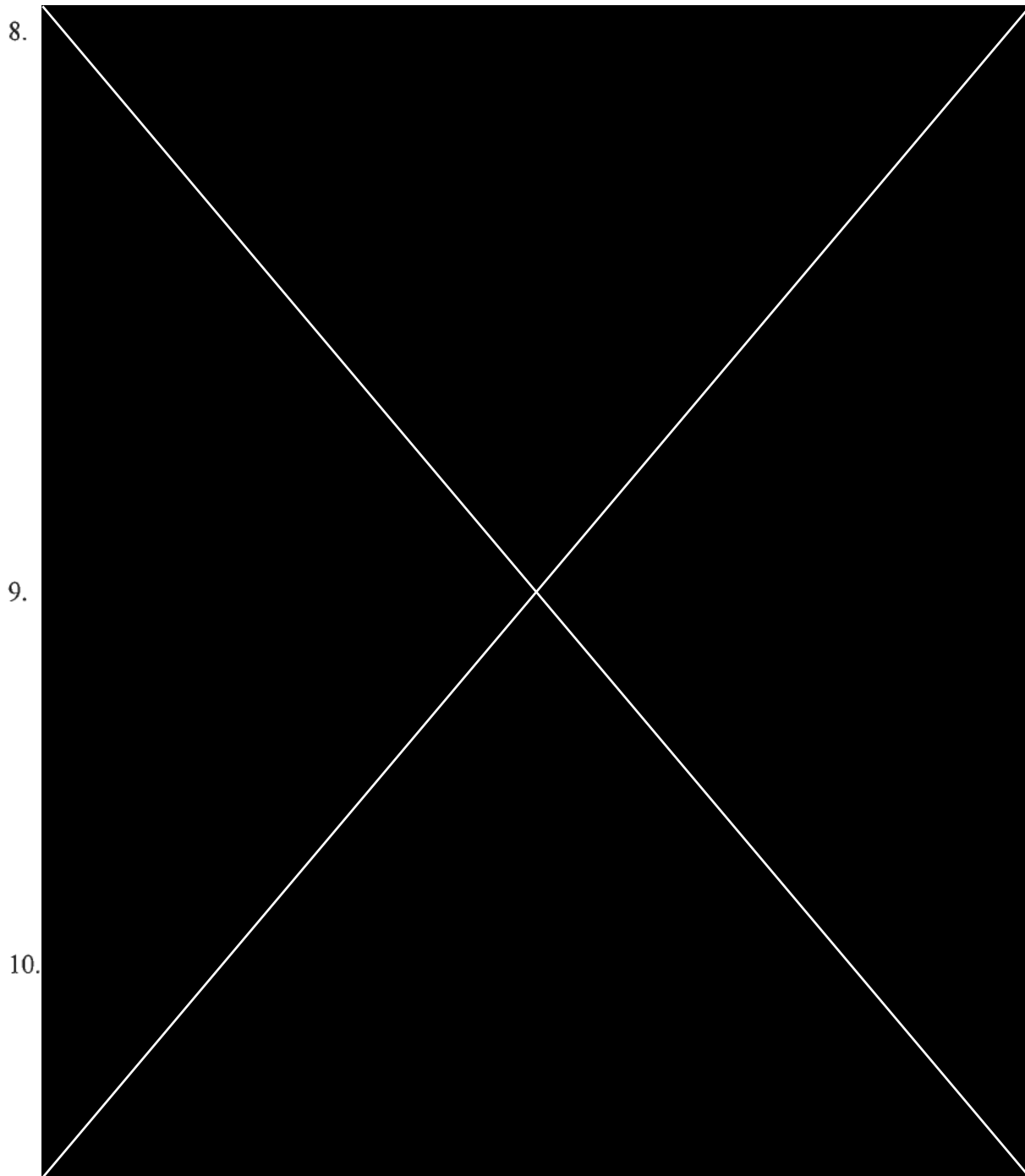
4. My relationship with Rama was great up until a few months after I arrived in the United States. A few months after I arrived, Rama and I were having a conversation in the car regarding an argument that she had had with her sister. Rama became upset and slapped me in the face. I was shocked. No one had ever hit me before and I did not expect my wife to hit me. My eye was red and swollen, and tears started coming out of my eye.

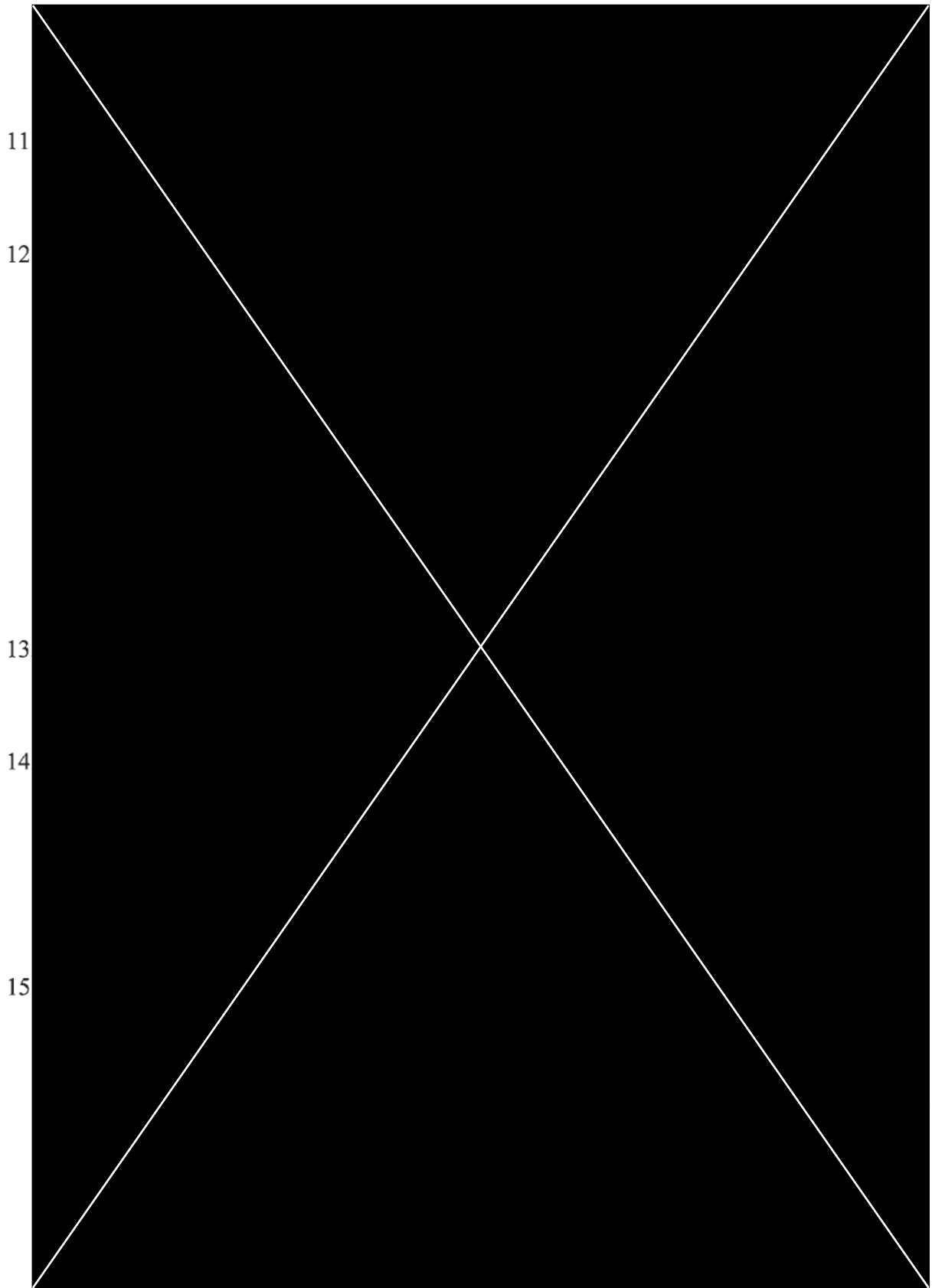
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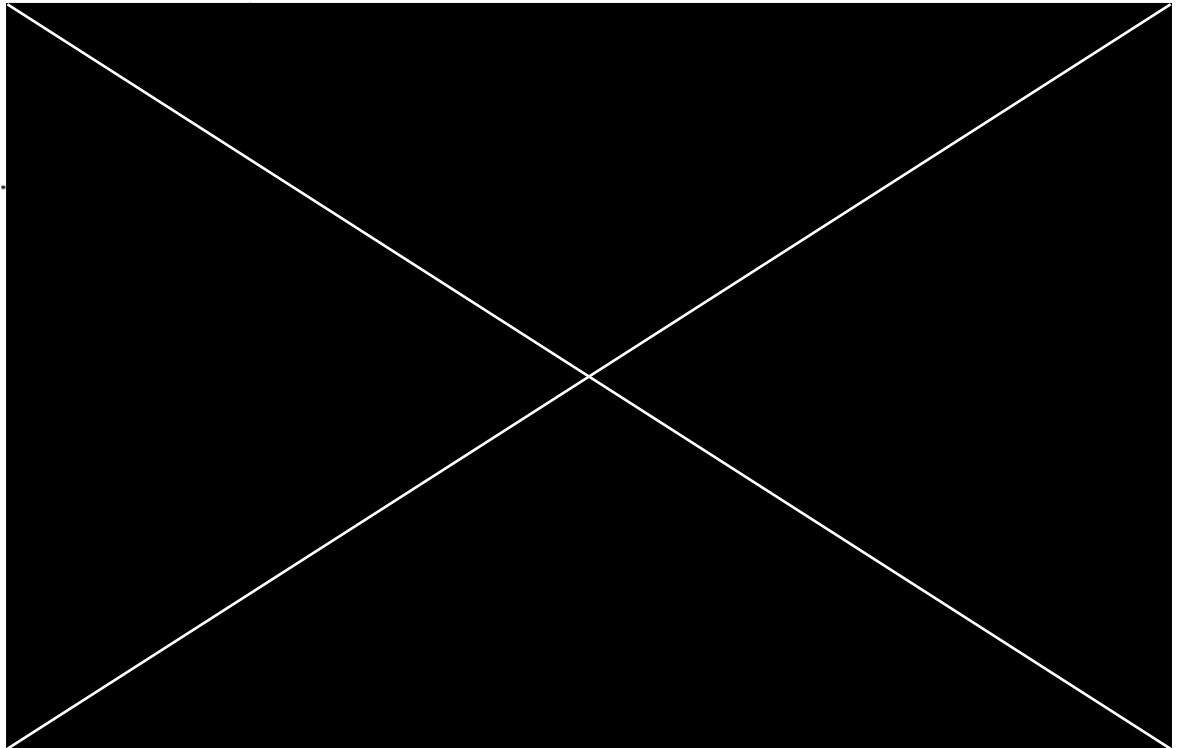
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7. Rama hurt me too many times for me to describe every single instance. The worst incidents injured me so severely that I sought medical treatment and sometimes she made me fear for my life.



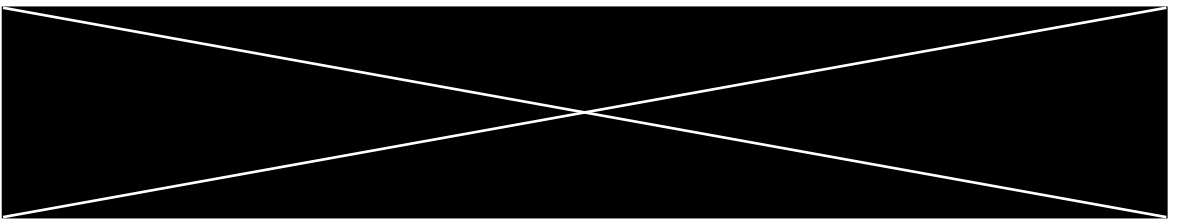


16.



17. Rama and I traveled internationally quite a bit during our relationship. We went on trips to about 15 different countries, including Mexico, the Bahamas, and St. Lucia. Rama did not physically attack me while we were on these trips, but she was still emotionally abusive. She would be really detached and refuse to hold my hand or to do any activities with me. She would yell at me in public. We were together in these beautiful places and I felt so alone.

18. The situation with Rama was really hard, and then in November 2022 my dad passed away. To this day, I still have not been back to Senegal to visit his grave. Losing my dad was really hard on me, especially on top of all the abuse I was living through with Rama.



I was mostly raised by my grandparents, who had a

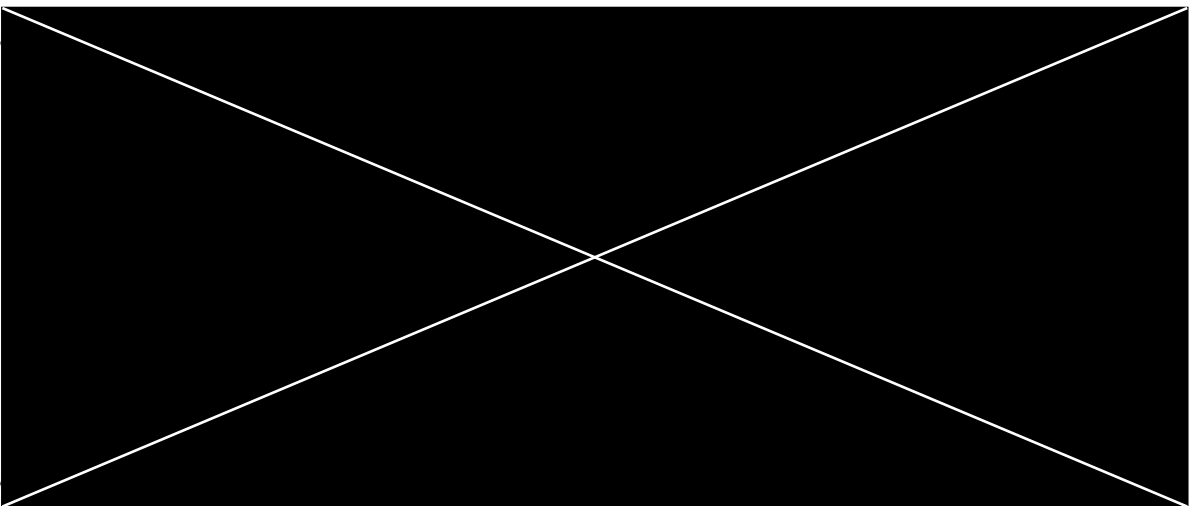
strong, healthy marriage. I knew what a healthy marriage was like because of my grandparents, and I wanted a healthy marriage with Rama. I wanted one wife and to not get divorced. I thought I should just be patient and that good things take time. I did not want to quit. I would have given Rama anything and I thought that someday it could get better. At the time, I didn't know that I did not have to put up with the way she was treating me.

19. Because my circumstances were so difficult, I turned to drinking. I had never consumed alcohol before my marriage. I was in such a dark place, had poor coping mechanisms, and was just trying to numb myself because of my situation. This eventually led to criminal charges for Operating Under the Influence (OUI) in 2023 and 2024. In 2023 I was also charged with Refusal to Submit, Leaving the Scene of an Accident, and Providing False ID.

20. The 2024 accident that led to the OUI charge occurred after Rama and I separated. I was just trying to cope and I couldn't accept that I would be okay without her in my life.

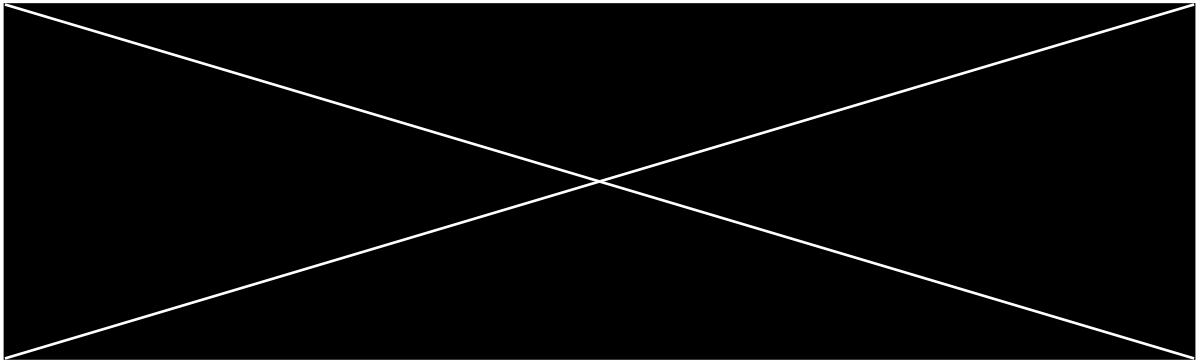
21.

22.



December 2023, I had begun going out and dating other people in late 2023 and early 2024. Rama found out, but she did not get angry. It was almost like she had been

expecting me to do that. This is when Rama told me that she wanted to get a divorce. She only said that she was “done,” but she didn’t provide me with any specific reason.



23. Rama and I eventually got divorced in 2024. There was a period of time where we separated but were still living together, but I avoided her as much as possible and we did not speak for about a month. She told me that she would rather die than be with me.
24. When I moved out in 2024, I had nowhere else to go. I did not have a car because it was impounded after the accident. Because I didn’t have a car I was often late to work, and then I was fired. I was left with no home, no money, and no car. Thankfully I was able to stay on friend’s couches, and at some point a friend let me live with her for a period of time.
25. Eventually I began making more money and was able to get back on my feet. I got a job delivering pizza for a local restaurant, and then eventually was able to get a job as a Certified Nursing Assistant at Enhabit Home Health and Hospice. I was recently promoted to a management position and my life was stable until I was detained by ICE on June 11, 2026.
26. I quit alcohol on my own in November 2024 because I just felt disgusted with myself after everything that had happened. I started Wellness Court in Anchorage, Alaska, in February 2025. Wellness Court is a therapeutic alternative justice model for criminal

proceedings, and I have met all the requirements for that program ever since I started.

I have not had a single drop of alcohol since November 2024 and the Wellness Court program has worked well for me. Through Wellness Court, I have also been able to get help understanding and recovering from Rama's abuse. I am not a danger to the community. I am sober and reliable, as my employer and my patients can attest.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Executed at Anchorage, Alaska this 8th day of July, 2026.



Honorio Latyr Pereira Barreto

SUBSCRIBED AND SWORN before me this 8th day of July, 2026.



Notary Public in and for Alaska

My commission expires: January 16, 2030



Exhibit 4:

Information regarding the Therapeutic Court program in Anchorage, Alaska, in which
Honorio Latyr Pereira Barreto is actively participating

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

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Therapeutic Courts



INFORMATION

- ▶ [Drug & DUI Courts](#)
- ▶ [Family Courts](#)
- ▶ [Mental Health Courts](#)
- ▶ [Veterans Courts](#)
- ▶ [State/Tribal Healing to Wellness](#)



QUICK LINKS

- ▶ [About the Therapeutic Court Model](#)
- ▶ [Locations & Hours](#)
- ▶ [News & Events](#)

News & Events

- [Alaska Public Media - How understanding childhood trauma influences a Palmer therapeutic court for families \(February 16, 2020\)](#)
- [KTUU.com - Therapeutic court graduate shares his journey to recovery](#)

About the Therapeutic Court Model

The therapeutic model is an alternative justice model in which a collaborative team oversees and closely monitors participants who choose the treatment program in lieu of incarceration for some felony and

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]
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misdemeanor offenses. The participants work hard over a lengthy multi-month process to meet milestones while being held accountable for any issues that arise.

1. The team may include:

- Judge
- Prosecuting attorney
- Defense attorney
- Substance abuse and/or mental health treatment provider
- Law enforcement officer
- Community supervision/case manager/case coordinator
- Guardian ad litem for Child in Need of Aid (CINA) Therapeutic Court (CTC)
- Project coordinator or manager

2. Eligible participants:

- May be admitted to a therapeutic court if they meet the eligibility standards of each court and the substance abuse or mental health treatment criteria of the provider
- Can voluntarily "opt in" to a therapeutic court
- Enter a plea of "no contest" or "guilty"
- Participate in a structured program and plan
- For the duration of their participation in the program, have their sentencing deferred
- In the CTC, the parent's agree to the allegations of abuse and/or neglect in order to "opt in"

When individuals are accepted into a therapeutic court, participants are required to attend court status hearings weekly, bi-monthly or monthly depending on their stage in the program. The Court Team meets weekly to review their progress, and to suggest incentives or sanctions that may best encourage the participants' success. Although the details may vary within each of the therapeutic courts, the basic structure is the same:

- A team approach to supervise and encourage a participant's progress
- A system of sanctions and incentives for performance in the program
- Upon successful completion of the program, participants' sentences are imposed according to the initially negotiated agreements
- In the CTC, when children are reunited with their parent(s) or parental rights are relinquished, the case is closed with the Office of Children's Services
- Participants who are unable or unwilling to complete the program are dismissed, and their sentence is immediately imposed

PEREIRA BARRETO, Honorio Latyr

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- Participants who are unable or unwilling to complete the program are dismissed and the sentence that was negotiated at the time of admission to the court is immediately imposed

For information contact the Program Coordinator for the court location you are interested in.

Drug & DUI Courts

All Publications are Adobe Acrobat PDF documents unless otherwise indicated.

- Anchorage Wellness Courts
 - Felony Drug
 - Felony DUI
 - Municipal
 - Fairbanks
 - Juneau
 - Palmer
-

Family Courts

All Publications are Adobe Acrobat PDF documents unless otherwise indicated.

- Anchorage
 - Palmer
-

Mental Health Courts

All Publications are Adobe Acrobat PDF documents unless otherwise indicated.

- Anchorage
- Juneau
- Palmer

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Veterans Courts

All Publications are Adobe Acrobat PDF documents unless otherwise indicated.

- Anchorage Veterans Court
 - Fairbanks Veterans Court
-

State/Tribal Healing to Wellness Courts

All Publications are Adobe Acrobat PDF documents unless otherwise indicated.

- Kenai
- Sitka



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<https://courts.alaska.gov/therapeutic/index.htm>

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Matter of Egidijus SINIAUSKAS, Respondent

Decided February 2, 2018

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

- (1) In deciding whether to set a bond, an Immigration Judge should consider the nature and circumstances of the alien's criminal activity, including any arrests and convictions, to determine if the alien is a danger to the community, but family and community ties generally do not mitigate an alien's dangerousness.
- (2) Driving under the influence is a significant adverse consideration in determining whether an alien is a danger to the community in bond proceedings.

FOR RESPONDENT: Felix Velter, Esquire, Southampton, Pennsylvania

FOR THE DEPARTMENT OF HOMELAND SECURITY: Mary Ellen Withrow,
Assistant Chief Counsel

BEFORE: Board Panel: MALPHRUS, MULLANE, and GREER, Board Members.

MALPHRUS, Board Member:

In a decision dated May 15, 2017, an Immigration Judge granted the respondent's request for a change in custody status and ordered him released on bond in the amount of \$25,000. The Department of Homeland Security ("DHS") has appealed from that decision. The appeal will be sustained, and the respondent will be ordered detained without bond.

The respondent is a native and citizen of Lithuania. He entered the United States as a nonimmigrant visitor in 2000 and has admitted that he remained longer than permitted. The respondent is married to a lawful permanent resident, and he has a United States citizen daughter.

An alien in a custody determination under section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (2012), must establish to the satisfaction of the Immigration Judge and the Board that he or she does not present a danger to persons or property, is not a threat to the national security, and does not pose a risk of flight. *Matter of Fatahi*, 26 I&N Dec. 791, 793–94 (BIA 2016); *Matter of Adeniji*, 22 I&N Dec. 1102, 1112–13 (BIA 1999), *modified on other grounds*, *Matter of Garcia Arreola*, 25 I&N Dec. 267 (BIA 2010). "Dangerous aliens are properly detained without bond," so an "Immigration Judge should only set a bond if he first determines that the alien does not present a danger to the community." *Matter of Urena*,

25 I&N Dec. 140, 141 (BIA 2009). The purpose behind detaining criminal aliens is to ensure their appearance at removal proceedings and to prevent them from engaging in further criminal activity. *Matter of Kotliar*, 24 I&N Dec. 124, 127 (BIA 2007).

The DHS contends that the respondent did not meet his burden of establishing that he is not a danger to the community.¹ We agree. The record reflects that the respondent has three convictions for driving under the influence between 2006 and 2007, and he was arrested for a fourth offense in 2017. Two of his convictions, as well as the recent charge, involved accidents. Based on the most recent arrest, the respondent was taken into DHS custody.

The respondent argues that driving under the influence is not a crime of violence and that it has been 10 years since he was convicted of that offense. He presented evidence of treatment by a certified naturopathic physician and his active participation in Alcoholics Anonymous meetings, which the Immigration Judge found to be “active steps to address his obvious alcohol problem.” The respondent argues that his recent arrest for driving under the influence is an aberration that involved mitigating circumstances because it occurred on the first anniversary of his mother’s death.

“Drunk driving is an extremely dangerous crime.” *Begay v. United States*, 553 U.S. 137, 141 (2008), *abrogated on other grounds*, *Johnson v. United States*, 135 S. Ct. 2551 (2015). It takes “a grisly toll on the Nation’s roads, claiming thousands of lives, injuring many more victims, and inflicting billions of dollars in property damage every year.” *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2166 (2016). “[T]he very nature of the crime of [driving while intoxicated] presents a ‘serious risk of physical injury’ to others” *United States v. DeSantiago-Gonzalez*, 207 F.3d 261, 264 (5th Cir. 2000); *see also Marmolejo-Campos v. Holder*, 558 F.3d 903, 913 (9th Cir. 2009) (noting that “the dangers of drunk driving are well established”).

In bond proceedings, it is proper for the Immigration Judge to consider not only the nature of a criminal offense but also the specific circumstances surrounding the alien’s conduct. *See Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006) (stating that relevant factors in determining whether an alien should be released from immigration custody include how extensive, recent,

¹ The Immigration Judge initially found that the respondent was a danger to the community and denied bond on March 13, 2017. The DHS’s appeal relates to a subsequent hearing on May 15, 2017, where the Immigration Judge accepted additional evidence and granted bond. Given our decision to sustain the appeal, we need not address whether the Immigration Judge erred in finding that changed circumstances warranted the subsequent bond redetermination hearing.

and serious the alien's criminal activity is). It is also proper to consider both arrests and convictions. *Id.* at 40–41.

Driving under the influence is a significant adverse consideration in bond proceedings. We recognize that the respondent's last conviction for driving under the influence occurred 10 years ago. However, his recent arrest for the same offense undercuts his argument that he has established rehabilitation and does not pose a danger to the community. The respondent does not dispute that he was recently arrested and that the charges are still pending. While we are sympathetic to the fact that the arrest occurred on the first anniversary of his mother's death, this possible reason for his transgression does not negate the dangerousness of his conduct.² The respondent asserts that he will not repeat his dangerous drinking and driving behavior, but his actions are a better indication of his future conduct than his assurances to the contrary. *See Matter of Roberts*, 20 I&N Dec. 294, 303 (BIA 1991) (noting that an alien's "assurances" alone are not sufficient to "show genuine rehabilitation").

The respondent has significant family ties, including his lawful permanent resident wife and a United States citizen daughter. His daughter has filed a visa petition on his behalf, which has been approved. He also has a fixed address and a long residence in the United States, although he has no legal status. Moreover, the respondent has a history of employment including owning a business, has support from his church, and has been involved in charitable activities. While these family and community ties may be significant to whether the respondent is a flight risk, he has not shown how they mitigate his dangerousness because of his drinking and driving.

In *Matter of Guerra*, 24 I&N Dec. at 40–41, we listed a variety of factors to consider in bond redeterminations, some of which generally relate to whether an alien is a flight risk, while others typically concern whether he is a danger to the community. An alien's family ties and his possible eligibility for discretionary relief based on those ties are proper considerations in deciding whether he is a flight risk. *See Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987) (stating that a respondent who is likely to be granted relief has a greater motivation to appear for removal than one who has less potential to obtain relief). Considerations such as a fixed address, a residence of long duration, a history of employment, and other community ties may similarly impact an alien's risk of flight. However, the respondent was not found to be a flight risk.

² The respondent does not dispute that at the time of two of his convictions for driving under the influence, he was also convicted of driving without a license. These convictions are not undermined by the fact that he was ineligible for a Pennsylvania driver's license or that he may have a valid international driver's license from Lithuania.

The issue in this case is whether the respondent is a danger to the community, and family and community ties generally do not mitigate an alien's dangerousness. While there may be a situation where a family member's or other's influence over a young respondent's conduct could affect the likelihood that he would engage in future dangerous activity, this is not such a case. The respondent is an adult and has not shown how his family circumstances would mitigate his history of drinking and driving, except to explain that the most recent incident occurred on the anniversary of his mother's death. The factors that the respondent claims mitigate or negate his dangerousness existed prior to his most recent arrest, and they did not deter his conduct.

We recognize that the Immigration Judge set a significant bond of \$25,000, which he said "reflects the seriousness with which this court views the respondent's repeated conduct." However, an Immigration Judge should only set a monetary bond if the respondent first establishes that he is not a danger to the community. *Matter of Urena*, 25 I&N Dec. at 141.

This is not a case involving a single conviction for driving under the influence from 10 years ago. The respondent has multiple convictions for driving under the influence from that period and a recent arrest for the same conduct, which undermines his claim that he has been rehabilitated. Under these circumstances, we are unpersuaded that the respondent has met his burden to show that that he is not a danger to the community. *See Matter of Fatahi*, 26 I&N Dec. at 793–94. We therefore conclude that he is not eligible for bond. Accordingly, the DHS's appeal will be sustained, the Immigration Judge's decision will be vacated, and the respondent will be ordered detained without bond.

ORDER: The appeal of the Department of Homeland Security is sustained and the Immigration Judge's May 15, 2017, decision is vacated.

FURTHER ORDER: The respondent is ordered detained without bond.

Exhibit 19:

Copy of Honorio Latyr Pereira Barreto's Notice to Appear, dated June 8, 2026

PEREIRA BARRETO, Honorio Latyr

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Exhibit 19
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Department of Homeland Security
Notice to Appear

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

Subject ID: 000000

File No: A2

DOB: [REDACTED]

Event No:

In the Matter of:

Respondent: HONORIO LATYR PEREIRA BARRETO currently residing at:

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
☐ 2. You are an alien present in the United States who has not been admitted or paroled.
☒ 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

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:

Section 237(a)(1)(D)(i) of the Immigration and Nationality Act (Act), as amended, in that after admission or adjustment as an alien lawfully admitted for permanent residence on a conditional basis under Section 216 or 216A of the Act your status was terminated under such respective section.

- ☐ 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:

620 EAST 10TH AVENUE, ROOM 302
ANCHORAGE, AK 99501

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

on October 14, 2026 at 01:00 PM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Bear Dolbeare, Field Office Director

(Signature and Title of Issuing Officer)

Date: June 8, 2026

Anchorage Field Office, Anchorage, AK

PEREIRA BARRETO, Honorio Latyr (City and State)

A [REDACTED]

DHS Form I-862 (1/26)

Page 2 of 5
Exhibit 19

Notice to Respondent

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1 (b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of \$5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of \$5,000 and imprisonment of up to 30 days. More information is available online at <https://www.uscis.gov/addresschange>. **This obligation is in addition to your obligation to notify the Immigration Court of your change of address.**

Representation: If you 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 INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 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 is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the Immigration Judge 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. 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. 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.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form 1-589, Application for Asylum and for Withholding of Removal. The Form 1-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form 1-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. **This obligation is in addition to your obligation to notify DHS of your change of address.**

Failure to appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the Immigration Judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the Immigration Judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of \$5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA 274O(a) of \$500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from \$1,000 to \$5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is ENGLISH.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of 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 June 8, 2026, 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 organizations and attorneys which provide free legal services.

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

(Signature of Respondent if Personally Served)

Lorof Immigration Services Officer
(Signature and Title of Officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103,237,239,240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/ CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/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.

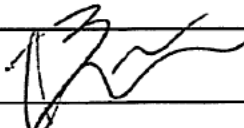
Disclosure: Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

PEREIRA BARRETO, Honorio Latyr

A 

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Exhibit 19
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Alien's Name HONORIO LATYR PEREIRA BARRETO	File Number A [REDACTED]	Date June 8, 2026
Allegations: _____ 1. You are not a citizen or national of the United States; 2. You are a native of Senegal and a citizen of Senegal; 3. You were admitted to the United States at the New York City, New York port-of-entry on January 14, 2020, as a non-immigrant K1, fiancé of a U.S. citizen; 4. On December 3, 2020, your status was adjusted to that of a permanent resident on a conditional basis, based on your marriage to a United States citizen, Rama Gueye; 5. On September 22, 2022, you and Rama Gueye filed Form I-751, Petition to Remove Conditions on Residence, seeking to remove the conditions on your resident status; 6. Your status was terminated on October 22, 2024, upon the denial of your jointly filed Form I-751, on the ground you abandoned your petition. Charges: _____ Section 237(a)(1)(D)(i) of the Immigration and Nationality Act (Act), as amended, in that after admission or adjustment as an alien lawfully admitted for permanent residence on a conditional basis under Section 216 or 216A of the Act your status was terminated under such respective section.		
Signature 	Title Bear Dolbeare, Field Office Director	

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

PEREIRA BARRETO, Honorio Latyr

A [REDACTED]

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Exhibit 19
Page 5 of 5

MESSAGE TO ILLEGAL ALIENS: A WARNING TO SELF-DEPORT



Benefits:

Self-deportation is safe. Leave on your own terms by picking your departure flight.

Keep money earned in the U.S. If you self-deport as a non-criminal illegal alien.

Future opportunity for legal immigration. If you self-deport using CBP Home instead of being deported by ICE.

Possible Flights Home. You may be eligible to a subsidized flight if you cannot afford to leave.



For More
Information:

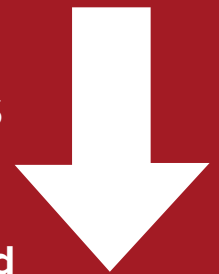
Consequences:

Immediate deportation. You will be apprehended by DHS with no opportunity to get your affairs in order beforehand.

Fines and penalties. A fine of \$998 *per day* if you received a final order of removal and stayed. A fine of \$1,000 - \$5,000 if you fail to self-deport after claiming that you will.

Possible imprisonment. If you fail to self-deport, you may be subject to jail time.

Barred from returning. Prohibited from reentering the U.S. through the legal immigration system.



MENSAJE A LOS INMIGRANTES ILEGALES: UNA ADVERTENCIA PARA LA AUTODEPORTACIÓN



Para más
información:



BENEFICIOS:

Autodeportación es mas seguro. Puede viajar bajo sus propios términos y elegir su vuelo.

Mantenga su dinero ganado en los Estados Unidos. Si se autodeporta como un inmigrante no criminal.

Oportunidades de inmigración legal en el futuro. Si se autodeporta usando la aplicación CBP Home en lugar de ser deportado por ICE.

Posibles vuelos a casa. Podrá ser eligible a que su vuelo sea pagado si no puede pagarlo por su cuenta.

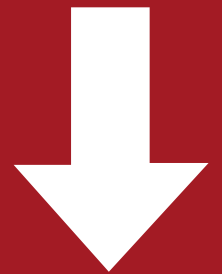
Consecuencias:

Deportación Inmediata. Sera arrestado por DHS sin tener la oportunidad de poder hacer ningún arreglo de antemano.

Multas y Sanciones. Una multa de \$998 por día si recibe una ultima orden de deportación y decide quedarse. Una multa de \$1,000 - \$5,000 si no se auto deporta después de haber dicho que si lo haría.

Posible Encarcelamiento. Si no se autodeporta, será sujeto a tiempo en prisión.

Prohibido Regresar. Prohibido de regresar a los Estado Unidos por el sistema legal de migración.



UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

HONORIO LATYR PEREIRA
BARRETO,

Petitioner,

v.

STATE OF ALASKA, Department of
Corrections; ARNALDO
HERNANDEZ, Superintendent of the
Anchorage Correctional Complex, in his
official capacity; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
DAVID VENTURELLA, Acting
Director, in his official capacity, and
LAURA HERMOSILLO, Field Office
Director, Seattle Field Office;
DEPARTMENT OF HOMELAND
SECURITY; MARKWAYNE MULLIN,
Secretary, in his official capacity,
Respondents.

Case No. 3:26-cv-00235-SLG

**DECLARATION OF
MARGARET STOCK**

I, Margaret Stock, hereby make the following declaration under oath with respect to the above-captioned matter:

1. I am an immigration attorney practicing in Anchorage, Alaska and counsel for Honorio Latyr Pereira Barreto in this habeas corpus action. I was counsel for Respondent at the Immigration Court bond hearing held in this matter on July 2, 2026.

2. I am making this Declaration to explain what happened at the bond hearing, because the Department of Justice has not produced any transcript of the bond hearing.
3. The bond hearing was scheduled by the Executive Office for Immigration Review (EOIR) for Thursday, July 2, 2026 for a thirty (30) minute block of time with Immigration Judge Tammy Fitting, an employee of the US Department of Justice. Judge Fitting is assigned to the detained docket in the Tacoma, Washington immigration court.
4. The hearing was held at the public Immigration Courtroom at 620 E. 10th Avenue, in Anchorage, AK, with Immigration Judge Fitting appearing by video from Tacoma, Washington on a laptop belonging to an ICE (Immigration and Customs Enforcement) officer, who was present in the courtroom.
5. The Petitioner was wearing a dark orange prison jumpsuit and was chained at the wrists and ankles during the hearing such that he was unable to raise his hand easily to take an oath. Petitioner complained to me that the metal hand cuffs and ankle cuffs were too tight and were cutting into his skin and he had asked ICE agent Matthew Robinson to loosen them but Robinson had refused to do so. Per Petitioner, Robinson was angry that he had to transport the Petitioner to the courtroom and Robinson also accused the Petitioner of “bitching.”
6. The Immigration Judge initially stated at the hearing that the Department of Homeland Security had the burden of proving by “clear and convincing evidence” that Petitioner was a flight risk and a danger to the community. Upon being

Declaration of Margaret D. Stock

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notified by the DHS attorney that the U.S. District Court had issued a new Order in the matter a short time before the hearing, the Immigration Judge took a break to read the Order and then reconvened the hearing. She then admitted into evidence the Petitioner's evidence. This consisted of an initial submission of 141 pages and a subsequent submittal of 80 pages. She also admitted a large evidence packet that the DHS had uploaded shortly before the hearing.

7. She then announced that she was following the U.S. District Court order and the Petitioner now had the burden of proof.
8. I attempted to elicit testimony from the Petitioner but the Immigration Judge refused to allow him to testify. I also asked that Petitioner's witnesses be allowed to testify and the Immigration Judge refused to allow them to testify. The judge instead told me to make a "proffer." DHS did not present any witnesses.
9. During the proffer, in order to highlight the evidence to the court, I closely paraphrased Paragraph 3 of the June 15, 2026, declaration of Public Defender Randall Patterson. During the proffer, I also advised the Court that Mr. Patterson wished to testify regarding the matters addressed in his declaration. I also advised the Court that Petitioner's Probation officer wished to testify that he was not a flight risk nor a danger to the community. I also advised the Court that the Municipal Prosecutor also wished to testify on Mr. Pereira Barreto's behalf, along with Mr. Pereira Barreto's employer and several of his co-workers and patients. The Judge stated she "accepted" the proffer. She made no reservation or limitation regarding her acceptance.

10. Early in the hearing the Judge asserted that she had already reviewed all the exhibits submitted by Petitioner. This statement did not seem to be accurate. Shortly after she made this statement she asked whether Petitioner had submitted any supporting letters. We had in fact previously submitted seven supporting letters from Petitioner's work supervisors, co-workers, and patients.
11. Had Mr. Pereira Barreto been allowed to testify, he would have explained that his drinking occurred during a very difficult time in this life—the breakup of his marriage. Petitioner would have testified that he was a victim of physical violence by his U.S. citizen wife, and he still has scars on his body where she scratched him with her nails enough to cause bleeding. An event where she slammed a door on his hand caused him to seek X-ray and medical treatment. Petitioner would have explained that he has regained control of his life, has not had any alcohol since November 2024, and is now prospering through his own initiative, the help of the Wellness Court, and with the support of his friends and co-workers.
12. Respondents presented no evidence that Mr. Pereira Barreto was not rehabilitated.
13. The Immigration Judge did inquire of counsel about the status of Petitioner's I-751 petition with United States Citizenship and Immigration Services (USCIS) and suggested that counsel should be filing a mandamus lawsuit in U.S. District Court against USCIS in order to get that application adjudicated. In counsel's opinion, filing a mandamus against USCIS would be inappropriate in that DOJ would no doubt defend against the mandamus on the grounds that the I-751 case is not outside "normal processing times" for such petitions.

14. At the conclusion of the hearing, and without referencing any of Respondent's evidence, the Immigration Judge said that she was finding that Respondent was a danger to the community but was not a flight risk. The following is her complete verbatim explanation of her decision from the electronic recording of the hearing:

All right, given all the evidence presented, the evidence is clear that the respondent engaged in conduct of operating a vehicle while under the influence. On at least one occasion and possibly two. And the court, uh, must follow the board's guidance in this matter. Under Siniaus~~as~~. And I find that the respondent is a danger. Alright, and I will reserve for both parties. I do not find he is a flight risk. And that is on or before August 3rd, 2026. All right, thank you everyone.

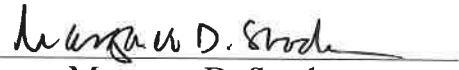
She did not address in any fashion the issue of rehabilitation.

15. I note there is no transcript of the hearing. The government has made available audio tracks of each microphone recorded separately. That is, when you play a track you generally only hear what one person is saying. If there is a conversation, you only hear one side of it. The government made available six tracks from this hearing. In my experience the tracks do not always seem to line up timewise between recordings.

16. When the Immigration Judge issued the decision denying Petitioner bond, the Immigration Court also provided to Petitioner the U.S. Department of Justice flyer titled "Message to Illegal Aliens: A Warning to Self-Deport" (hereafter referred to as "DOJ flyer"). Motion Ex. 9. The DOJ flyer was provided to Petitioner by the Immigration Court by email. Although the Immigration Court provided Petitioner with this DOJ flyer, the flyer is not included in Petitioner's record of proceedings.

17. The DOJ flyer is legally inaccurate and misleading because it mischaracterizes the law and fails to account for opportunities for Petitioner to seek relief from removal, including through the adjudication of his pending I-751. The DOJ flyer also pressures Petitioner to abandon valid claims for relief and implies that Petitioner is subject to immediate deportation without a hearing and “jail time” if he fails to self-deport. Petitioner particularly objects to being provided the DOJ flyer by the Immigration Court off the record.

Executed in Anchorage, AK, this 10th day of July, 2026.


Margaret D. Stock