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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

M.M.F.,

Petitioner,

v.

CHRISTOPHER LaROSE, et al.,

Respondents.

Case No.: 26-cv—04708-BTM-GC

RETURN TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires federal agencies (HHS and DHS) to work together to formulate a set of policies and procedures for making age determinations. 8 U.S.C. § 1232(b)(4). The resulting policies and procedures are set forth in the Office of Refugee Resettlement (ORR) Guide, which, in section 1.6, outlines procedures for "Determining the Age of an Individual without Lawful Immigration Status." The ORR Guide expressly recognizes the difficult nature of making an age determination. These challenges include, but are not limited to, unavailable documentation and contrary or fraudulent identity documentation and/or statements. Under the governing procedures, each case must be evaluated carefully based on the totality of all available evidence. *Imon v. Keeton*, 2020 WL 4284378 (D.Ariz. 2020).

The ICE age determination, recorded in the August 20, 2026 Form G-166C, Memorandum of Investigation ("MOI"), complies with the TVPRA and the Court should deny Petitioner's requests for relief.

II. FACTS AND ARGUMENT

In reaching its conclusion that Petitioner was an adult, ICE ERO considered the totality of the evidence to include the credibility of Petitioner's own statements and allegations upon initial entry and during his credible fear interview and immigration proceedings, the incontrovertibly fraudulent birth certificate, the dental examination result, the government of Ethiopia's confirmation of the veracity of Petitioner's passport, and all other evidence in his record. Throughout the report, Deportation Office Hugo Ramirez indicates the weight he gave or did not give to particular evidence by describing the factors which led to his conclusions on the veracity or importance of a particular fact. *See, generally,* Exhibit 1 (MOI). Where every piece of evidence from unbiased sources points only to the incredibility of Petitioner, his claimed age, birth certificate and allegations against ICE officers, DO Ramirez made a factually supported

totality of the evidence determination that Petitioner was over 18 years of age at the time of his illegal entry.

Petitioner claims that ICE ERO seeks to remove Petitioner via expedited removal order in violation of the law, and "categorically assert[ed] Petitioner is not an unaccompanied minor . . . . without consideration of his individualized facts and circumstances." ECF No. 1 (Petition) at ¶¶ 32-40. However, DO Ramirez used all available information to properly consider Petitioner's individualized facts and circumstances and determined that Petitioner was 18 years or older at the time of his apprehension. *See* Exhibit 1 (MOI) at 1-2.

Based on Petitioner's arrest report, he was initially treated as a UAC by border patrol. *Id.* at 1. It was only after conducting a series of record checks that ICE ERO began to doubt that initial determination. First, ERO requested a forensic dental examination which was conducted on July 31, 2026. *See* Exhibit 2. In his report, the forensic dental examiner concluded that the statistical probability of Petitioner having attained 18 years of age was 93.45% based on an examination of x-rays of Petitioner's wisdom teeth. *Id.* The report also concludes that the mean estimated age for a male with third molar development equal to that of Petitioner is 20.18 years of age (plus or minus 2.91 years).

ERO also reviewed a copy of Petitioner's Ethiopian birth certificate, which Petitioner claims reflects his true date of birth, [redacted] In order to assess the authenticity of Petitioner's purported Ethiopian birth certificate, ICE ERO compared that document to the U.S. State Department informational guidance pertaining to civil documents issued by Ethiopia. *See* Exhibit 1 at 1; *see also* Exhibit 3 (Birth Certificate). According to the State Department's civil documents guidance, an original Ethiopian national standard birth certificate is printed on paper that features a light gray background, generic watermark, and security threads. *Id.* It will also bear a thick blue border and depict Ethiopian and regional flags in both upper corners for all

regions except the Addis Ababa City Administration, which will depict only the Ethiopian flag centered on the top of the certificate. *Id.*

Based on these identifiers, ERO determined that the birth certificate presented by Petitioner is not an original document. *Id.* It is not printed on paper featuring a light gray background, nor does it bear any watermarking or security threads. *Id.* Additionally, because it depicts only the Ethiopian national flag at the top of the birth certificate, it should also bear the wet ink seal of the Addis Ababa City Administration. *Id.* While there appears to be seal on the document, it is not readable. *Id.* However, the certificate states a place of birth in Jigjiga, which is part of the Somali Regional State of Ethiopia but not within the Addis Ababa City Administration's jurisdiction. *Id.* Finally, while the birth certificate has the Ethiopian flag, it does not bear a regional flag. *Id.*

Further, Petitioner indicated that he was born in Degehabur, not Jigjiga. *Id.* Degehabur (also spelled Degahbour) should be listed as the place of birth on the birth certificate, not Jigjiga.) Because Petitioner stated his place of birth is Degehabur, Jarar, Ethiopia in a sworn statement, and Degehabur is correctly listed as the place of birth on Petitioner's passport, the birth certificate contradicts Petitioner's own sworn statements as well as his passport which was verified by the Ethiopian government. *See* Exhibits 4, 6, 7; *but see* Exhibit 3. Petitioner again claims, despite all the evidence to the contrary, that the birth certificate, is a valid supporting document of his 2010 birth date. Petition at ¶ 30.

Respondents have complied with the ORR Guide and TVPRA as documented by DO Ramirez in his Memorandum of Investigation by assessing the totality of the evidence. Exhibit 1. Under these circumstances, Petitioner cannot sustain any of his claims for relief.

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III. CONCLUSION

For all the foregoing reasons, Respondents respectfully request that the Court find that Respondents complied with what the law requires in sensitive cases such as this, and deny the Petition on the merits.

DATED: August 20, 2026

Respectfully submitted,

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s/ Hunter V. Norton
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