FILED
October 21, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: MR
DEPUTY

PHILIP J. DEVLIN
CLERK OF COURT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
262 W. Nueva St., Suite 1-400
San Antonio, Texas 78207

ANNETTE
FRENCH
CHIEF DEPUTY

September 23, 2026

Arianny Carolina Villalobos Chaparro
A# [redacted]
Dilley Immigration Processing Center
300 El Rancho Way
Dilley, TX 78017

RE: Case #5:26-CV-6102-XR,

Your Petition for Writ of Habeas Corpus was filed in our office on 9/23/2026 and assigned the above case number. Please reference this case number on all future documents submitted for filing in the above case number. Please be advised you must keep the court informed of your current address throughout the pendency of your case. Failure to do so may result in dismissal of your case for want of prosecution.

Sincerely,

By dg
Deputy Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Arianny Carolina Villalobos Chaparro, Petitioner, v. Warden / Facility Administrator, Dilley Immigration Processing Center, *et al.*, Respondents.	Civil Action No. 5:26-cv-06102-XR

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Federal Respondents[1] provide the following response to Petitioner's habeas petition. Any allegations that are not specifically admitted herein are denied. Petitioner is not entitled to the relief sought.

Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This conclusion is appropriate under long standing Supreme Court precedent and recent Fifth Circuit precedent. The Fifth Circuit Court of Appeals recently held that aliens, like the Petitioner, who entered the United States illegally and who are not "clearly and beyond a doubt entitled to be admitted," "shall be detained" under 8 U.S.C. § 1225(b)(2)(A), until the conclusion of their removal proceedings. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 166 F.4th 494, 498 (5th Cir. 2026). The *Buenrostro-Mendez* decision is binding precedent and requires that the Court deny this habeas petition. The Eighth Circuit also recently decided consistent with *Buenrostro-Mendez* in *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026). The Eighth Circuit's decision further supports the Government's

[1] The Department of Justice represents only federal employees in this action.

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
August 27, 2026
Lyle W. Cayce
Clerk

No. 26-20424

JESSICA TOLENTINO-RODRIGUEZ,

Petitioner—Appellee,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General, In his Official Capacity*; MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland Security, In his Official Capacity*; PATRICK CONTRERAS, *In his Official Capacity as Houston Field Office Director of Detention and Removal,*

Respondents—Appellants;

AND

No. 26-20427

THEANNIS JOSE PEROZO-MATA,

Petitioner – Appellee,

versus

TODD WALLACE BLANCHE, *U.S. Attorney General*; MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland Security*; DAVID J. VENTURELLA; MARCOS CHARLES,

Respondents – Appellants;

AND

No. 26-20428

MARIO FRUCTUOSO GONZALEZ GONZALEZ,

Petitioner – Appellee,

versus

BRET A. BRADFORD, *Director, U.S. Immigration and Customs Enforcement Houston Field Office*; MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland Security*; TODD WALLACE BLANCHE, *U.S. Attorney General*; DOJ EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

Respondents – Appellants.

Appeals from the United States District Court
Southern District of Texas
USDC Nos. 4:26-CV-5611;
4:26-CV-5679;
4:26-CV-5561

ON MOTION FOR CONSIDERATION

Before GRAVES, WILSON, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that Appellants' opposed motion to consolidate this appeal with No. 26-20427, *Perozo-Mata v. Blanche*, and No. 26-20428, *Gonzalez Gonzalez v. Blanche*, is GRANTED.

IT IS FURTHER ORDERED that Appellants' opposed motion to stay the case pending the en banc court's resolution of *Rodriguez v. Ortega*, No. 26-50183, is GRANTED.

IT IS FURTHER ORDERED that Appellants' opposed motion for stay pending appeal is GRANTED.

IT IS FURTHER ORDERED that Appellants' opposed motion for an expedited ruling on the motion for stay pending appeal is GRANTED.

Because no member of the panel or judge in regular active service requested that the court be polled on hearing the Appellants' motions en banc in the first instance (FED. R. APP. P. 40 AND 5TH CIR. R. 40), the motion for consideration en banc in the first instance is DENIED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 27, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 26-20424
cons. w/ No. 26-20427
and No. 26-20428
Tolentino-Rodriguez v. Blanche
USDC No. 4:26-CV-5611
USDC No. 4:26-CV-5679
USDC No. 4:26-CV-5561

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Christy Combel

By: _____
Christy M. Combel, Deputy Clerk
504-310-7651

Mr. Xavier Vicente Chavez
Mr. Francisco Fernandez
Mr. Benjamin Timothy Hayes
Mr. Nathan Ochsner
Mr. Octavio Manuel Rivera Bugesa
Mr. Nicholas Weston Sabin

P.S. to Counsel: A revised copy of the caption is enclosed for future filings.

Case No. 26-20424

Jessica Tolentino-Rodriguez,

Petitioner - Appellee

v.

Todd Wallace Blanche, U.S. Attorney General, In his Official Capacity; Markwayne Mullin, Secretary, U.S. Department of Homeland Security, In his Official Capacity; Patrick Contreras, In his Official Capacity as Houston Field Office Director of Detention and Removal,

Respondents - Appellants

consolidated with

No. 26-20427

Theannis Jose Perozo-Mata,

Petitioner - Appellee,

v.

Todd Wallace Blanche, U.S. Attorney General; Markwayne Mullin, Secretary, U.S. Department of Homeland Security; David J. Venturella; Marcos Charles,

Respondents - Appellants

consolidated with

No. 26-20428

Mario Fructuoso Gonzalez Gonzalez,

Petitioner - Appellee,

v.

Bret A. Bradford, Director, U.S. Immigration and Customs Enforcement Houston Field Office; Markwayne Mullin, Secretary, U.S. Department of Homeland Security; Todd Wallace Blanche, U.S. Attorney General; DOJ Executive Office For Immigration Review; United States Immigration and Customs Enforcement; United States Department of Homeland Security,

Respondents - Appellants

Case 5:26-cv-06102-XR Document 4-28 Filed 10/05/26 Page 1 of 2
Case: 26-20424 RESTRICTED Document: 28 Date Filed: 08/25/2026

No. 26-20424

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Jessica Tolentino-Rodriguez,
Petitioner-Appellee,
v.
Todd Wallace Blanche, U.S. Attorney General; Markwayne Mullin, Secretary, U.S. Department of Homeland Security, in his official capacity; Patrick Contreras, in his Official Capacity as Houston Field Office Director of Detention and Removal,
Respondents-Appellants.

On Appeal from the United States District Court
for the Southern District of Texas
No. 4:26-cv-05611
No. 4:26-cv-05561
No. 4:26-cv-05679

OPPOSED MOTION FOR STAY PENDING APPEAL

BRETT A. SHUMATE
Assistant Attorney General
DREW C. ENSIGN
Deputy Assistant Attorney General
BENJAMIN HAYES
Senior Counsel to the Assistant Attorney General
Civil Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

(*Caption continued on following page*)

No. 26-20427

Theannis Jose Perozo-Mata,
Petitioner-Appellee,

v.

Todd Wallace Blanche, U.S. Attorney General; Markwayne Mullin, Secretary, U.S. Department of Homeland Security; David J. Venturella; Marcos Charles,

Respondents-Appellants.

No. 26-20428

Mario Fructuoso Gonzalez Gonzalez,
Petitioner-Appellee,

v.

Bret A. Bradford, Director, U.S. Immigration and Customs Enforcement Houston Field Office; Markwayne Mullin, Secretary, U.S. Department of Homeland Security; Todd Wallace Blanche, U.S. Attorney General; DOJ Executive Office for Immigration Review; United States Immigration and Customs Enforcement; United States Department of Homeland Security,

Respondents-Appellants.

Uploaded on: 2/10/2022 at 3:20:08 pm (Eastern Standard Time) Base File: ORI

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]

Event No: [redacted]

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

Subject ID: [redacted] FINS: [redacted] File No: [redacted]6 508

In the Matter of:

Respondent: ARIANNY CAROLINA VILLALOBOS-CHAPARRO currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

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

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

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of VENEZUELA and a citizen of VENEZUELA ;

3. You arrived in the United States at or near EAGLE PASS, TX , on or about September 13, 2021 ;

4. You were not then admitted or paroled after inspection by an Immigration Officer.

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:

null

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

☐ 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:

3535 Lawton Road Suite 200 Orlando FL 32803. EOIR Orlando, FL
(Complete Address of Immigration Court, including Room Number, if any)

on To be set. *(Date)* at To be set. *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

B (7071) ALLEN - SDDO
(Signature and Title of Issuing Officer) (Sign in ink)

Date: January 31, 2022 Tampa, Florida
(City and State)

This Notice to Appear Supersedes the Notice to Appear issued on September 14, 2021

EOIR - 1 of 3

Uploaded on: 2/10/2022 at 5:26:09 PM (Central Standard Time) Case 5:26-cv-06102-XR Document 5 Filed 10/21/26 Page 2 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

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

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

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Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent) (Sign in ink)

_____ _____ _____ Date: _____

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on January 31, 2022, in the following manner and in compliance with section 239(a)(1) of the Act.

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

☐ Attached is a credible fear worksheet.

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

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

_____ C9162 CORDERO - Deportation Officer

(Signature of Respondent if Personally Served) (Sign in ink) *(Signature and Title of officer) (Sign in ink)*

EOIR – 2 of 3

Exh. 1 Adm

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 280 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

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

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

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

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

EOIR – 3 of 3

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

Respondent Name:
VILLALOBOS-CHAPARRO, ARIANNY CAROLINA

To:
Diaz, Edward
4161 N. Thanksgiving Way
301
Lehi, UT 84043

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
09/19/2025

ORDER OF THE IMMIGRATION JUDGE

☑ This is a summary of the oral decision entered on 09/19/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☑ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

☑ Asylum was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ Withholding of Removal under the Convention Against Torture was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a $ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

☐ Further information regarding voluntary departure has been added to the record.

☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of $3,000.00 USD

☐ $ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

☑ Respondent was ordered removed to Venezuela

☐ In the alternative, Respondent was ordered removed to

☑ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

> If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:

Immigration Judge: Espinal, Pedro 09/19/2025

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

Appeal Due: 10/20/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : VILLALOBOS-CHAPARRO, ARIANNY CAROLINA | A-Number : [redacted]

Riders:

Date: 09/19/2025 By: Arroyo, Kevin, Court Staff

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

VILLALOBOS-CHAPARRO, ARIANNY CAROLINA
[redacted]

DHS/ICE Office of Chief Counsel - ORL
500 NORTH ORANGE AVENUE,
SUITE 500
Orlando FL, 32801

Name: VILLALOBOS-CHAPARRO, ARIANNY CAROLINA

A [redacted]

Date of this Notice: September 22, 2026

Enclosed is a copy of the Board's interim decision in the above-referenced case.

Sincerely,

Rachel R. Alvarado

Chief Clerk

Enclosure

NOT FOR PUBLICATION

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

MATTER OF:

VILLALOBOS-CHAPARRO, ARIANNY CAROLINA, A[redacted]

Respondent

FILED
September 22, 2026

ON BEHALF OF RESPONDENT: Diaz Edward , Esquire

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court

Before: Radics, Deputy Chief Appellate Immigration Judge

RADICS, Deputy Chief Appellate Immigration Judge

Section 1808 of title 8 of the United States Code[1] requires that all aliens with an asylum application ("Form I-589") pending for 365 days or more pay an annual asylum fee ("AAF") of $100, in addition to any other fee. The OBBBA also authorizes annual increases of the AAF for inflation, in addition to any other fee increases. Effective February 1, 2026, the inflationary-adjusted AAF is $102. Any alien who has an asylum application pending for 1 year or more must pay the AAF for each year thereafter for which the application remains pending.

- Your Form I-589, Application for Asylum and for Withholding of Removal, has been pending for 365 days or more as of October 1, 2025, and you have not previously been ordered to pay the AAF.

Therefore, you are hereby ordered to pay a minimum of $102 to EOIR. Payment must include $102 for each Form I-589 filed. The deadline for submission of your payment in the EOIR Payment Portal and payment receipt to the Board of Immigration Appeals ("Board") is October 13, 2026.

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[1] On July 4, 2025, a Congressional budget reconciliation bill (H.R. 1), commonly referred to as the One Big Beautiful Bill Act ("OBBBA"), was signed into law. Pub. L. 119-21, 139 Stat. 72 (2025). As relevant to the Executive Office for Immigration Review ("EOIR"), OBBBA introduced or increased numerous immigration-related fees. *See* OBBBA, Pub. L. 119-21, tit. X, subtit. A, pt.1, §§ 100002, 100009, 100013, 139 Stat. 79, 364-65, 371-72, 374-82 (codified at 8 U.S.C. §§ 1802, 1808, 1812).

Your payment must be **timely made** through EOIR's Payment Portal located online at:

https://epay.eoir.justice.gov/index

Please complete the required fields on the EOIR Payment Portal by selecting "Court – Form I-589, Annual Asylum Fee for Asylum and Withholding of Removal (AAF)" as the Filing Type, entering your Alien Registration number ("A-number"), and clicking the "Pay Now" button.

Each principal asylum applicant must pay the required fee under his or her A-number. Each lead and rider respondent with a separate Form I-589 must pay the required fee under his or her A-number.

Once paid, you will receive a digital receipt that includes a Tracking ID. Please save or print that receipt immediately. You will not receive a copy of that receipt via email. The Tracking ID will be required if you ever need to retrieve a copy of the receipt. **You must file a copy of your receipt(s) with a copy of this order to the Board.**

THE DEADLINE FOR SUBMISSION OF YOUR PAYMENT IN THE EOIR PAYMENT PORTAL AND PAYMENT RECEIPT TO THE BOARD IS October 13, 2026.

Failure to timely pay the fee may result in a finding that you have abandoned or withdrawn your application and may result in its denial or dismissal. *See Matter of L-F-R-*, 29 I&N Dec. 787, 789 (BIA 2026). The EOIR Payment Portal will be unable to facilitate untimely payments. Thus, you must pay the AAF by the deadline set forth above.

If you paid the AAF through the EOIR Payment Portal prior to the issuance of this order, you must file a copy of your receipt(s) with a copy of this notice to the Board by the deadline set forth above.

If your pending matter before the Board does not involve an application for asylum or you believe that you received this order in error, you must file a response to this order explaining why the AAF does not apply to you by the deadline set forth above.

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

IT IS SO ORDERED.