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11 Counsel for Petitioners

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 Chancely FANFAN, María
MALDONADO CRUZ, and Elesban
16 ANGEL MENDEZ,

17 *Petitioners,*

18 v.

19 Kristi NOEM, Secretary of Homeland
20 Security; Christopher J. LAROSE,
Warden, Otay Mesa Detention Center;
21 Daniel A BRIGHTMAN, Field Office
Director, San Diego Field Office, United
22 States Immigration and Customs
Enforcement; Todd M. LYONS, Acting
23 Director, United States Immigration and
Customs Enforcement; Pamela Jo BONDI,
24 Attorney General *in their official*
25 *capacities,*

26 *Respondents.*
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28

Case No.: 25cv03291-DMS-BJW

**DECLARATION OF
CHANCELY FANFAN IN
SUPPORT OF PETITIONERS'
EX PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER**

DECLARATION OF CHANCELY FANFAN

I, Chancelly Fanfan, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. My name is Chancelly Fanfan. I was born on October 31, 1994 in Jeremie, Haiti. I am currently detained at Otay Mesa Detention Center and I have been detained in immigration custody since October 20, 2025.

3. I entered the United States on October 21, 2024 after fleeing gang violence in Haiti to find protection in the United States. I feared for my life in Haiti after one night in August 2023 when gang members went looking for me at my house and burned it down while I was at a worship night at my church. I used to do discipleship in Haiti, introducing other people to Jesus so that they could learn about his love and teach the same to others. I also used to do children's ministry—teaching them bible verses and how to live a good life and respect others. The gang members did not like that because it was against what they were doing to recruit more gang members. They told me I had to join them and stop what I was doing. I did neither, so one day they lit my house on fire. I had to leave to save my life because not even the police could protect me.

4. At the time, my now-wife, Christla, and I were preparing for our wedding. We were never able to have our wedding in Haiti with our families and church because we had to flee. We later got married in the United States on April 26, 2025.

5. Christla and I left Haiti on or about September 28, 2023. I traveled through Haiti, Nicaragua, Honduras, Guatemala, and finally Mexico. We waited for one year in Mexico so that we could get a CBP One appointment. It was very important to me to wait for an appointment so that we could do things the right way.

6. We found out that Christla became pregnant while we were waiting in Mexico. While I was a bit disappointed that we were not able to get married before

1 we became pregnant, I was overjoyed to find out that I was going to be a father for
2 the first time. I wanted and still want to give my son everything he needs in life.

3 7. We finally got a CBP One appointment on October 21, 2024 after about
4 one year of waiting. I was excited because we had been waiting for so long and it
5 was hard. The day of our appointment, the immigration agent walked us across a
6 bridge and had us wait outside the United States government offices to be processed.
7 They asked me if I had tattoos, if I was part of a gang, if I had criminal arrests, and
8 other similar questions. They even made me take my shirt off to show that I did not
9 have tattoos. They also took my fingerprints. The process took several hours. During
10 the processing I was separated from Christla, who was about eight months pregnant
11 at the time. We were not yet married.

12 8. Eventually the official who processed me told me that I would be
13 released and they gave me paper that said I would have to go to court. They also told
14 me how to access my I-94, which was valid for one year through October 21, 2025.
15 We were released to come to San Diego because my friend from Haiti who is in San
16 Diego had agreed to receive us. We traveled from Texas to Las Vegas and from Las
17 Vegas to San Diego. At first we stayed with my friend and later we moved to our
18 own apartment in National City.

19 9. Our baby was born on December 10, 2024. He is our first son. He has
20 been our biggest blessing and I am so thankful to God for him. Christla and I got
21 married this year on April 26, 2025.

22 10. I had my first immigration court hearing in 2024. In January 2025, I
23 asked to have my immigration court case closed so that I could apply for asylum
24 with USCIS. The judge granted my request and closed my case. I filed my asylum
25 application with USCIS in May 2025.

26 11. Later in 2025, before USCIS made any decision on my asylum
27 application, my immigration court case was reopened.
28

1 12. During the time that I have been in the United States, I have focused on
2 being a good person, supporting my family, and participating in church. I follow
3 every rule. I have never been arrested by the police or had any other issue. I do not
4 even speed when I drive. I also have never missed a court hearing or appointment
5 with ICE.

6 13. I have felt a strong calling to continue with church. My family and I
7 attend a Baptist church called College Avenue Church. We attend Sunday service
8 and also participate in life groups, which are small groups of about six or seven
9 people. After Sunday sermons, the Pastor gives us homework to do in the life groups
10 with our leaders. My life group usually meets on Tuesdays at 5:30 p.m. I have gotten
11 very close to the people in my life group. Christla, our baby, and I all participate.

12 14. I also have volunteered to help others as part of my church. I went twice
13 to a place in San Ysidro that helps people who are survivors of human trafficking. I
14 helped with tasks around the facility.

15 15. I also have worked most of the time that I have been in the United
16 States. I started doing DoorDash in January of this year. I do it seven days per week,
17 anywhere between eight hours and seventeen hours per day. The week before I was
18 arrested, I worked 84 hours in one week. I have been working to become a “top
19 Dasher” so that I can get more orders. It is important for me to earn enough money
20 because life in San Diego is expensive and I take my role as a provider for my family
21 very seriously. I want my wife and especially my baby to have a good life and a
22 good education. I also try to help my brother in Haiti, who I am encouraging to do
23 ministry.

24 16. Before I got arrested, I started going to plumbing school so that
25 eventually I can get a job that allows me to spend more time with my family and still
26 provide for them.

27 17. I had a scheduled Master Calendar Hearing on October 20, 2025. About
28 one week before the hearing, I received a letter in the mail telling me that right after

1 my court hearing, I had to present myself at the ICE offices in the same building for
2 a check-in.

3 18. My wife had recently gone to an ICE appointment at which the officer
4 asked her for basic information and scheduled her next appointment for the
5 upcoming year, so I expected the same thing would happen at my appointment.

6 19. On October 20, 2025, I attended my regular immigration court hearing.
7 Everything went well and the judge gave me a new court hearing for January 6, 2026
8 so that I could return with a lawyer.

9 20. For a while before my court hearing, I had not been feeling well. I had
10 pain on the left side of my chest. I tried to make an appointment, but it would not be
11 until several weeks later. The morning of my court hearing I told Christla that I was
12 feeling worse and would probably need to go to the hospital after the hearing.

13 21. I followed the instructions in the letter I received and went down to the
14 second floor to check in with ICE after my court hearing. I arrived at the waiting
15 room and gave my letter to the person at the window. Christla, our baby, and I waited
16 about an hour to be called. An agent came to get me and I asked if Christla and my
17 son could come with me. The agent said yes, so they did. The agent took us to
18 another small room. The agent asked me where I live and other basic information.
19 The agent who was talking with me was going back and forth with another agent
20 who was telling him what to ask me. They were talking in English and I overheard
21 one agent say "lock him up." He was talking about me.

22 22. Eventually the agent said to me in Spanish "Fanfan, bad news, you are
23 going to stay here." Then they told me to open the door to let Christla and the baby
24 out of the room. Two more agents came into the small room, handcuffed me, and all
25 three of them took me to the elevator. There were a lot of people in the hallway,
26 including a photographer.

27 23. When the agent told me he was going to keep me detained, I was in
28 disbelief. I told the agent I had another court hearing in January and even showed

1 him the paper. The agent took it and made a copy of the paper, but he said it wasn't
2 his decision—that the government was requiring him to keep me detained. I told him
3 that my baby needed me, that I had never done anything wrong, and that I was in
4 plumbing school, but none of that seemed to matter to him. I said to him, “you do
5 not have any heart.”

6 24. I think I was arrested sometime between 11 a.m. and 12 p.m. on October
7 20. At that time, the three agents took me to the elevator and down to the basement
8 of the same building. I was still not feeling well and I told the agents, so sometime
9 that afternoon they took me to a hospital. The medical staff at the hospital gave me
10 medication for my pain and discharge paperwork that they said had instructions for
11 how I should follow up to deal with my pain. I never saw that paperwork because
12 they gave it to the ICE agent and I never got it back. I am still not feeling well.

13 25. At the hospital I was shackled from my hands and feet. I told the ICE
14 agent that I had to relieve myself, but he did not care and never unshackled me so
15 that I could use the restroom. He made me wait until they returned me to the
16 basement of the building where I had court and the check-in. I probably had to hold
17 it for about two hours. It was horrible and painful.

18 26. The conditions in the basement were very bad. I was locked in a very
19 small room with about ten other people. We all had to use the same toilet in front of
20 each other because there is no privacy. They gave us a mat to sleep on. The mat was
21 very thin, but if they had given us each a mat, my body might have fit on it long-
22 ways. But they forced several of us to share one mat, so we used it like a shared
23 pillow. They only gave me a sheet of aluminum to protect me from the cold. It was
24 extremely cold in the building. They never turned the lights off.

25 27. Throughout the day, the ICE agents brought more people down to the
26 basement. They looked so happy. When they took me down, I heard one agent tell
27 one of the ones who took me, “Hey! You are on fire today!” I believe they were
28 celebrating how many people they had arrested that day. It breaks my heart to see

1 the way they treated us and that they were so happy about it. I don't understand how
2 people can do that to each other.

3 28. The next day on October 21, I arrived at Otay Mesa. When I first came
4 here, I told the staff about my chest pain and about my discharge paperwork from
5 the hospital, but the medical staff here said ICE has not given them any discharge
6 paperwork. The medical staff have only given me heartburn tablets, but I do not have
7 heartburn. I still have pain in my chest.

8 29. A lot of people here are suffering from sickness but they cannot get the
9 treatment they need.

10 30. I have my own bunk at Otay Mesa. The housing unit I am in is very
11 full. I am in a room with eight beds and all are taken. I think all the rooms are this
12 way. As soon as someone is deported, they have a new person to fill that empty bed
13 right away. Here they leave the lights on constantly as well.

14 31. I believe that God is going to help me get through this, but it has been
15 so hard to be in this place. First of all, I suffered for so long with my pregnant wife
16 so that we could come to the United States the right way, but none of that seems to
17 matter to ICE. It also has been really painful to not be able to see my baby boy, to
18 play with him, hold him, or watch him grow. Even the telephone is so hard to use
19 because the sound is very bad and even the expensive video calls last less than 30
20 minutes. It has also been so hard on my family to not be able to provide for them
21 and to know that my wife Christla has to care for the baby and figure everything out
22 without me.

23 32. It also has been hard to communicate with my lawyer and understand
24 what is going on with my immigration case. I have had two court hearings in here
25 but everything is done by video and I do not understand everything they say. My
26 next court hearing is on December 31 and I am very nervous about what will happen.
27
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1 33. I have already spent my birthday in this place. That was hard, but I
2 know it will break my heart if I am not able to spend my son's first birthday with
3 him on December 10.

4 34. Despite how hard it has been, I have been using my time in here to help
5 to pull people back to the bible.

6 35. I know that God has a reason for everything and I believe that God is
7 going to get me out of here. If I can get out, the first thing I will do is praise God.
8 The second thing I will do is hug my wife and hold my baby, and then I will keep
9 doing good in this country so that I can be a model for others. I would also go back
10 to school and keep providing for my family because I am not letting go of my dream.

11 36. If I am released from detention I promise to continue attending any
12 court hearings and required appointments with ICE.

1 I declare under penalty of perjury of the laws of the United States that the foregoing
2 statements are true and correct.

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4 Executed this 21 day of November 2025 in San Diego, California.
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Chancelly Fanfan
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15 Counsel for Petitioners

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Chancely FANFAN, María
19 MALDONADO CRUZ, and Elesban
20 ANGEL MENDEZ,

21 *Petitioners,*

22 v.

23 Kristi NOEM, Secretary of Homeland
24 Security; Christopher J. LAROSE,
25 Warden, Otay Mesa Detention Center;
26 Daniel A BRIGHTMAN, Field Office
27 Director, San Diego Field Office, United
28 States Immigration and Customs
Enforcement; Todd M. LYONS, Acting
Director, United States Immigration and
Customs Enforcement; Pamela Jo BONDI,
Attorney General *in their official*
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Respondents.

Case No.: 25cv03291-DMS-BJW

**DECLARATION OF MARIA
MALDONADO CRUZ IN
SUPPORT OF PETITIONERS'
EX PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER**

DECLARATION OF MARIA MALDONADO CRUZ

I, Maria Maldonado Cruz, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. My name is Maria Maldonado Cruz. I was born on July 27, 1983 in Honduras. I am currently detained at Otay Mesa Detention Center, where I have been since on or about October 17, 2025.

3. I entered the United States on August 16, 2019 after fleeing violence from the government in Honduras because of my family's political activity. I crossed the border into Texas and waved down a Border Patrol car as soon as we reached the road so I could tell them I was seeking asylum.

4. I was then taken to a Border Patrol station for processing. They asked me if I was afraid of going back to my country, and I said yes and explained that I feared going back because of my family's political opposition. They also asked me if I had any criminal record in my country, and I told them I had never been arrested or in any kind of trouble with the law.

5. After many hours, Border Patrol told me they would be releasing me, and that I would need to appear in immigration court and check in with ICE when told to. They dropped me off at a shelter, who helped me coordinate flights to San Diego where my brother (a U.S. citizen) lived.

6. After being released and coordinating my flights at the shelter, I flew to San Diego where my brother was living. In the nearly six years since my release, I attended all ICE check-ins without issue until October of this year.

7. I checked in with ICE shortly after arriving in San Diego, and attended my first immigration court hearing around January 2020. During the first year that I was in the United States, I filed my application for asylum, which is still pending. After the first court date, I had a few hearings and check-ins cancelled due to the

1 pandemic, but I always attended scheduled court or check-ins unless my attorney
2 told me they had been cancelled.

3 8. In 2023, my attorney notified me that my case had been closed with the
4 court. He told me this meant my case was still pending, and I could continue to renew
5 my work permit, but we would not have any more court hearings. After this, I did
6 not have other court dates until my case was reopened in 2025, but during this period
7 I continued to attend scheduled ICE check-ins without issue, generally about once
8 per year, other than when I received notice that it was cancelled.

9 9. In the six years since I arrived in the United States, I have developed a
10 life in California. I joined a local church, St. Francis of Assisi in Vista, California. I
11 attended church regularly prior to my detention. I have also always worked to
12 provide for myself and my family. I first worked cleaning houses, then spent some
13 time working in restaurants in the area. Since 2023, I have worked at a food
14 distribution company in Vista, California.

15 10. About a year ago, I met my now-husband Fernando Piña at work. We
16 initially started as friends before we began dating romantically. Ever since we met,
17 he has been such a strong support for me. Once we began dating, I knew I was in
18 love. We moved in together this year, and decided to get married to formally bring
19 our families together. We had a ceremony at our house in August of this year.

20 11. Fernando was born in the United States and is a U.S. citizen. He filed a
21 family petition for me this year that I believe is still pending with USCIS.

22 12. Also in the six years we've been in the United States, my daughter
23 finished high school and began her own career, working as a personal assistant for a
24 plant manager at a company. I am very proud of her and knew she would be able to
25 find a good job because she was always a hard worker and very good at school.

26 13. My daughter and I also started renting a house together in March of this
27 year. After Fernando and I decided to get married, he started living with me and my
28

1 daughter. My daughter's partner lives in the house as well. We are all very close,
2 and it was a great support to have them nearby.

3 14. In September of this year, I was scheduled to appear before the
4 immigration court, but my former lawyer's assistant called me to tell me that the
5 hearing date was cancelled, so I did not attend. She told me that my next court date
6 had been set for January 2026. My former attorney wanted to charge me a lot of
7 money to continue to represent me in my case, since it had been reopened, so I told
8 his office I would need to find a new lawyer.

9 15. Soon after on October 7, my father who was still living in Honduras
10 passed away. It was extremely sad news for me and my family, as I had not been
11 able to see my dad since I fled to the United States. Still, I remained in close contact
12 with him and my mother. A large part of my motivation to always work hard after
13 arriving here was to be able to send my parents in Honduras money every month.

14 16. I went to my brother's house that day to be together during this difficult
15 time. While I was there, he told me I received a document from immigration about
16 my cancelled court date. I used my brother's address for important purposes, like
17 making sure I received immigration documents, because he always received mail,
18 and I did not reliably receive mail at my new address. He told me he had not called
19 me about the letter because I had already told him about my court cancellation, which
20 he assumed the document was informing me of.

21 17. I opened the letter and saw that it was not about my court cancellation
22 but instead was a letter telling me to check in with ICE on October 2, 2025.

23 18. I was already in the process of looking for a new lawyer, so I hired my
24 current lawyers at this time quickly once I realized I missed the check-in. It was the
25 first time I had ever missed any appointment with the government, so I wanted to fix
26 it as quickly as I could and not jeopardize my case. My new lawyer told me we would
27 go check in together and explain why I had missed the check-in.
28

1 19. On October 15, 2025, I went to the federal building in San Diego to
2 check in with ICE. When I was walking up to the building, there were camera crews
3 from different news stations wanting to interview people who were there for check-
4 ins. I talked briefly with one woman from Telemundo who wanted to interview me,
5 but I told her I could not be late to meet my lawyer. She warned me that people going
6 into the building were not coming out, but I told her that I would be okay because I
7 was trying to follow instructions and I was there with my lawyer.

8 20. I arrived with my lawyer to the second floor and signed in at the check-
9 in window. When they called me up, they told my lawyer and I that we would be
10 going to a different room. They walked us back to an office and my lawyer and the
11 officer started talking, though I could not understand most of what they were saying.
12 Eventually, my lawyer turned and explained to me that ICE would be detaining me
13 that day. My lawyer took my belongings and told me he would inform my family
14 who had dropped me off at the building and was waiting to pick me up. I did not
15 understand why this was happening when I voluntarily came to check in with ICE
16 to explain the reason I had missed my check-in appointment, and I had never
17 committed a crime or had any problems in my immigration case.

18 21. The officers who interviewed me then handcuffed me and moved me
19 through a back room, processed me, and took my remaining belongings. They then
20 took me to a different room in the basement where they were keeping people who
21 they arrested.

22 22. There were about a dozen other women in the room where I was
23 detained. In the two nights I was there, I remember them bringing in about three
24 more people to the room so we were about 14 or 15 people total by the time we were
25 moved to Otay Mesa.

26 23. The situation in the basement was awful, and I could not believe we
27 were expected to sleep there. I was there two nights and did not sleep at all in that
28 time. They left the lights on all night, and it was freezing. All they gave me was an

1 aluminum blanket. There were thin mats on the floor, but that was the only surface
2 for sleeping, and most people just sat in chairs, since they were more comfortable
3 than the mats.

4 24. The food was also terrible, and all we got were burritos that tasted
5 completely raw. I only took a bite of the burritos and then would stop eating once I
6 knew they were raw. I just drank water instead.

7 25. We also could not communicate with our lawyers or loved ones. You
8 needed a pin to use the phones, and the officers told us we would receive the pin
9 information once we arrived at Otay Mesa and were processed there.

10 26. On October 17, I arrived at Otay Mesa Detention Center where I have
11 been since. The situation at Otay Mesa has still been very hard for me. I cannot sleep
12 with all of the noise in the facility. People are constantly getting sick and coughing
13 through the night. There have also been people who started having a hard time and
14 yelling at night out of desperation. I have not had a full night of sleep since I was
15 detained.

16 27. The food here is also really hard to eat. They serve us food that
17 oftentimes tastes raw (like the tortillas), completely cold food, or food that has been
18 boiled so much it is entirely mush. The only thing I can really eat without feeling
19 sick at Otay Mesa is the beans, and even that can be hard when they are served cold.

20 28. It has also been hard to plan for my immigration case with my lawyer.
21 We have been trying to set up calls to discuss my case, but sometimes I have to wait
22 a long time to talk to my lawyers, or pass messages to them through my husband
23 when we talk.

24 29. The hardest part about being detained for me is being away from my
25 family. My daughter and I are extremely close, and I am one of the few people she
26 trusts and confides in and goes to for advice about work and life. I also miss my
27 husband. It feels like we were just starting our life together when I was detained. I
28 do my best to talk to them as often as I can, but I really miss them.

1 30. I also have been struggling being in detention and unable to
2 communicate with my mother in Honduras, especially so close to my father's
3 passing. My mom and I spoke regularly before I was detained. I have also been her
4 biggest source of financial support since I arrived in the United States, sending
5 money to her every month. It feels impossible to imagine the pain she must be going
6 through with my father's death and without being able to talk to her and see how
7 she's doing. I also fear how she will support herself without my monthly payments.

8 31. I am also worried about the economic effect my detention will have on
9 my daughter. We had gone in on renting a house together just a few months ago, and
10 since I've been detained we have fallen behind on payments because she cannot
11 cover the house payments alone. I worry what will happen if we aren't able to make
12 up those payments soon, and it terrifies me to imagine my daughter could lose her
13 home. My husband also helps out, but without my consistent income, the entire
14 family is struggling to make the payments.

15 32. I have asked my lawyers about seeking bond in my case, but they told
16 me that I am no longer eligible under the government's new policy because of how
17 I entered the country six years ago.

18 33. My next court date is scheduled for December 17, 2025. I don't know
19 how I will be able to help prepare my asylum case from inside detention. I am really
20 worried what could happen if I lose my case and am forced to return to Honduras,
21 separated from my husband.

22 34. I desperately want to return home to my family. Each day that I am
23 away from them breaks my heart. I want to be home with my daughter and husband
24 so we can begin moving beyond this nightmare, and prepare my case so I can plan
25 for our future.

26 35. If I am released from detention, I promise to continue attending any
27 court hearings and required appointments with ICE.
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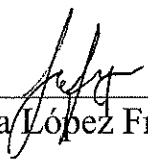
1 I declare under penalty of perjury and under the laws of the United States that the
2 foregoing is true and correct.

3 
4 Maria Maldonado Cruz

11-13-2025
Date

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6
7 **CERTIFICATE OF INTERPRETATION**

8 I, Sofia López Franco, certify that I am fluent in Spanish and English, that I am
9 competent to interpret between these languages, and that I interpreted the foregoing
10 between English and Spanish accurately. I further certify that I have read the
11 foregoing to Maria Maldonado Cruz in Spanish and she affirmed that it is true and
12 correct.

13 
14 Sofia López Franco

11/13/2025
Date

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11 Counsel for Petitioners

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 Chancely FANFAN, María
16 MALDONADO CRUZ, and Elesban
ANGEL MENDEZ,

17 *Petitioners,*

18 v.

19 Kristi NOEM, Secretary of Homeland
20 Security; Christopher J. LAROSE,
21 Warden, Otay Mesa Detention Center;
Daniel A BRIGHTMAN, Field Office
22 Director, San Diego Field Office, United
23 States Immigration and Customs
Enforcement; Todd M. LYONS, Acting
24 Director, United States Immigration and
25 Customs Enforcement; Pamela Jo BONDI,
26 Attorney General *in their official*
capacities,

27 *Respondents.*
28

Case No.: 25cv03291-DMS-BJW

**DECLARATION OF ELESBAN
ANGEL MENDEZ IN SUPPORT
OF EX PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER**

DECLARATION OF ELESBAN ANGEL MENDEZ

I, Elesban Angel Mendez, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. My name is Elesban Angel Mendez. I was born on May 18, 1985 in Opopeo, Michoacan, Mexico. I am currently detained at Otay Mesa Detention Center. I have been detained in ICE custody since October 14, 2025.

3. I have lived in the United States since I last entered in 2006. I married and my wife and I have two U.S. citizen daughters ages 14 and 19. My 14-year-old daughter will celebrate her 15th birthday on December 11.

4. Early on September 21, 2014, I was arrested for driving under the influence while my family and I were returning home from a party. It was about 1 a.m. After the police arrested me, they took me to the Vista Jail, where I was held overnight. Very early the next morning, the police called my name and told me I was going to be going with ICE.

5. ICE first took me to offices in downtown San Diego, then they brought me to the Otay Mesa Detention Center, but it looked different then than it does now. I only spent about one night in immigration detention; I was released the next day on September 22. I remember being told that I would have to fight my court case from outside of detention, and that I would have to show up for check-ins with ICE whenever they told me to. I was not given an ankle monitor or any other kind of tracking device. The document that I received when I was released says I was released on my "own recognizance."

6. I felt terrible about getting a DUI because it was irresponsible of me and I never want to jeopardize my family's wellbeing. I had never before been stopped or arrested by the police. I have never driven under the influence or had other arrests in the 11 years since then. I know it's very important to follow the laws and I will never make that mistake again.

1 7. After I was out of immigration custody I had court for my DUI. I pled
2 guilty and was sentenced to two days in jail, five years of probation, to pay a fine,
3 attend classes, and complete a program for people who have only had one conviction.
4 I did everything I was ordered to, including paying the fine, and I turned in proof of
5 the classes I attended. I have never had any issues with the police since then.

6 8. I had a couple of immigration court hearings after I was released, and I
7 checked in with ICE three or four times until my case was closed in 2017. I never
8 missed a court hearing or a check-in with ICE. Before my case was closed, I applied
9 for something called cancellation of removal, which my lawyer told me I am eligible
10 for because of the time I have been in the United States, my daughters, and because
11 I haven't had serious criminal problems in the United States. I received a work
12 permit as part of that application. In 2017, my lawyer told me that my case was going
13 to be closed because there was a limit on how many of those kinds of applications
14 judges can grant, but that I could keep renewing my work permit even while my case
15 was closed, and I have. My last work permit was valid until 2029.

16 9. In the almost twenty years I have lived in the United States, I have
17 worked as hard as I can to provide for my family, including my daughters. My
18 daughters are the most important thing to me. One is in high school and the other is
19 studying to be a medical assistant. I want them to have the best life they can.

20 10. I am a part of a Catholic church in Valley Center called Saint Stephen.
21 My wife and daughters go to church on Sundays regularly, and I go as often as I can
22 because I work six days per week, including on Sundays.

23 11. I understand my cancellation of removal application is still pending in
24 immigration court and my lawyers are still helping me with that so that I can ask the
25 judge to let me stay in the United States. I am also now afraid to return to Michoacan,
26 Mexico because there is so much violence there; my family members who are still
27 there say they cannot leave their homes after dark because of how bad it is.
28

1 12. I have worked at an egg farm since 2019, and before that I worked at a
2 plants nursery. My family and I live on the egg farm where I work in Valley Center.
3 I pay our rent with some work hours, which are deducted from my paycheck. The
4 owners let us live there on the condition that I work for the egg farm.

5 13. Earlier this year, my court case was reopened and I was scheduled for
6 a court hearing in August. Later, I got a notice that the hearing was rescheduled to
7 December 10. But in late September, I received a letter in the mail saying I had to
8 go to an ICE check-in on October 14.

9 14. Because I had gone to check-ins before, I expected this would be like
10 those, and that ICE would ask me for some information about where I live and work,
11 and then maybe I would get a new date to return in the future. But that did not
12 happen.

13 15. I attended the check-in with my 19-year-old daughter and my sister,
14 who is a lawful permanent resident. I arrived and they told me to wait in the waiting
15 room. When they called me back, I went into a smaller room with two ICE officers.
16 My daughter and sister stayed in the waiting room. Soon after I was called back into
17 the room, one of the officers told me they were going to arrest me. They did not ask
18 me anything other than if I had a lawyer.

19 16. The ICE officer said he was arresting me because under President
20 Trump every person who is here illegally had to be arrested. I said that was unfair
21 because the letter I got said they just wanted to verify my information and I hadn't
22 had any problems. The officer said he was sorry, but those were his orders. I told
23 them my sister and daughter were waiting for me, but they told me I would not be
24 able to say goodbye to them and that if I had belongings I wanted to give to them, I
25 could give them to the officer to pass them along. I gave him the keys to my car and
26 my watch. I felt terrible and in shock.

27 17. Two ICE officers then handcuffed me and took me to the elevator to
28 take me down to the basement of the building. When they were taking me to the

1 elevator, my daughter and my sister saw me being taken. I heard my daughter scream
2 “no, dad, no!” and I heard her cry.

3 18. I can’t describe the feeling I felt in that moment. I felt deep sadness and
4 helplessness when I heard my daughter cry out and also like I was also going to cry.
5 It was so unfair. I never expected to be treated that way after the life I have made in
6 this country.

7 19. After I was arrested, I was taken to the basement of the building, where
8 I slept one night on the floor with an aluminum blanket and I shared a mat with a
9 few other men. It was very cold even though there were about 15 or 16 of us in the
10 small room. They only gave us cold sandwiches and water to eat and drink. They
11 kept the lights on overnight. I did not sleep that night. The next day they called us
12 one by one to process us.

13 20. After that, I was transferred to Otay Mesa Detention Center on October
14 15. I have been here ever since. Being here is basically like being in jail. It’s really
15 cold in here too. They feed us at strange hours—breakfast is as early as 5 a.m., but
16 lunch sometimes is as late as 2 p.m. The food is very bad, but I eat it because I have
17 to.

18 21. It has been really hard on my family while I have been detained. I am
19 extremely worried because my employer at the egg farm where I worked before I
20 was detained and where my family lives recently told my wife that they will only let
21 her and my daughters continue living there until January 2026, but after that, if I am
22 not back to work, my family will have to leave. I have no idea where they would be
23 able to afford to live, especially now that I cannot work while I am detained.

24 22. I am also worried because I help to pay for my 19-year-old daughter’s
25 medical assistant schooling and the car she uses to go to school, which is more than
26 an hour away in Temecula. Now that I cannot contribute, my family has been
27 struggling a lot to pay for everything, including rent, bills, and food. Now my wife
28 has to pay for everything with a little bit of help from my oldest daughter who only

1 works a couple of days per week at a coffee shop while she goes to school. But my
2 wife does not earn enough to make ends meet.

3 23. My youngest daughter is turning 15 years old on December 11. In my
4 culture, a girl's 15th birthday is a big deal because it marks the point she starts to
5 grow up. My daughter has been looking forward to this birthday for a very long time.
6 We were planning a party to celebrate, and we were going to buy her a dress to wear
7 to it, but my family will probably have to cancel the celebration now that I am
8 detained. I feel so sad about that.

9 24. I have diabetes. I take a medicine called Metformin, which I also take
10 in here at Otay Mesa.

11 25. I have not asked the judge for a bond because my lawyer explained that
12 the judge is most likely going to say I am not eligible because I entered the country
13 without permission.

14 26. My next court date is scheduled for February 18. I don't know how I
15 will be able to help prepare my case from inside detention since it's much harder to
16 communicate from inside here.

17 27. I pray to God that I will be able to return home to my family. If I can
18 get out I will return to my family, work hard, and do my best to get my family ahead.
19 That's what this country is for, and I have never wanted to do anything but that.
20 That's why I have worked so hard and complied with everything that has been asked
21 of me.

22 28. If I am released from detention I promise to continue attending any
23 court hearings and required appointments with ICE.
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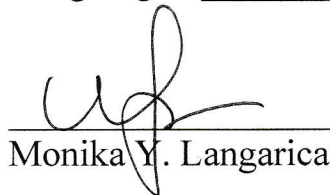
1 I declare under penalty of perjury and under the laws of the United States that the
2 foregoing is true and correct.

3 

11/24/2025
Date

7 **CERTIFICATE OF INTERPRETATION**

8 I, Monika Y. Langarica, certify that I am fluent in Spanish and English, that I am
9 competent to interpret between these languages, and that I interpreted the foregoing
10 between English and Spanish accurately. I further certify that I have read the
foregoing to Elestan Angel Mendez in Spanish and he affirmed that it is true and correct.

11 
12 _____
Monika Y. Langarica

11/24/2025
Date

1 MONIKA Y. LANGARICA (SBN 308518)
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2 SOFIA LOPEZ FRANCO (SBN 354123)
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8 ERIKA CERVANTES (SBN 344432)
erika@centerforhumanrights.org
9 Center for Human Rights & Constitutional Law
1505 17th St., Ste. 117
10 Santa Ana, CA 92705
Telephone: (619) 483-3490

11 Counsel for Petitioners

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 Chancely FANFAN, María
16 MALDONADO CRUZ, and Elesban
ANGEL MENDEZ,

17 *Petitioners,*

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19 Kristi NOEM, Secretary of Homeland
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21 Warden, Otay Mesa Detention Center;
Daniel A BRIGHTMAN, Field Office
22 Director, San Diego Field Office, United
23 States Immigration and Customs
Enforcement; Todd M. LYONS, Acting
24 Director, United States Immigration and
25 Customs Enforcement; Pamela Jo BONDI,
26 Attorney General *in their official*
capacities,

27 *Respondents.*
28

Case No.: 25cv03291-DMS-BJW

**DECLARATION OF
MATTHEW G. HOLT IN
SUPPORT OF PETITIONERS'
MOTION FOR EX PARTE
TEMPORARY RESTRAINING
ORDER**

DECLARATION OF MATTHEW G. HOLT

I, Matthew Holt, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. My name is Matthew G. Holt, and I am the Co-Founder and Managing Attorney of Hurwitz Holt, an immigration law firm in San Diego, California. I have been practicing immigration law exclusively since 2007 and I am a certified specialist in Immigration and Nationality Law by the California State Bar Board of Legal Specialization.

3. My office represents Petitioner Maria Maldonado Cruz in her immigration proceedings.

4. On October 15, 2025, I accompanied Ms. Maldonado Cruz to a check-in with ICE on the second floor of the federal building at 880 Front Street in San Diego, California.

5. I was there with a few clients who were each there for check-ins that day. Ms. Maldonado Cruz was the first to be called in. An ICE officer called us into a smaller office.

6. After we walked in, the ICE officer told me that he was instructed to arrest everyone coming in that day, and Ms. Maldonado Cruz would be arrested.

7. I explained her equities and eligibility to seek relief from removal to attempt to convince him to not detain Ms. Maldonado Cruz. I explained that she had been checking in for years and that she had no criminal history, but none of those factors carried weight with an ICE Officer.

8. Based on what an ICE officer told me Ms. Maldonado Cruz was arrested because he (the ICE officer) had been instructed to detain everyone coming in for check-ins that day.

9. Ms. Maldonado Cruz cried a lot after I explained to her that ICE would be detaining her that day. I stood with her in room 2226A on the second floor of the

1 federal building at 880 Front Street while she gathered herself, called her husband
2 and her daughter, and gave me her things to return to her family. ICE then
3 handcuffed her and took her into custody.

4
5 I declare under penalty of perjury of the laws of the United States that the foregoing
6 statements are true and correct.

7
8 Executed this 21 day of November 2025 in San Diego, California.

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28

1 MONIKA Y. LANGARICA (SBN 308518)
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13 Santa Ana, CA 92705
14 Telephone: (619) 483-3490

15 Counsel for Petitioners

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Chancely FANFAN, María
19 MALDONADO CRUZ, and Elesban
20 ANGEL MENDEZ,

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23 Kristi NOEM, Secretary of Homeland
24 Security; Christopher J. LAROSE,
25 Warden, Otay Mesa Detention Center;
26 Daniel A BRIGHTMAN, Field Office
27 Director, San Diego Field Office, United
28 States Immigration and Customs
Enforcement; Todd M. LYONS, Acting
Director, United States Immigration and
Customs Enforcement; Pamela Jo BONDI,
Attorney General *in their official*
capacities,

Respondents.

Case No.: 25cv03291-DMS-BJW

**DECLARATION OF MONIKA
Y. LANGARICA IN SUPPORT
OF PETITIONERS' MOTION
FOR EX PARTE TEMPORARY
RESTRAINING ORDER**

DECLARATION OF MONIKA Y. LANGARICA

I, Monika Y. Langarica, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently.

2. My name is Monika Y. Langarica. I am counsel for Petitioners Chancely Fanfan, María Maldonado Cruz, and Elesban Angel Mendez in the above-captioned case.

3. I am fluent in English and Spanish. Chancely Fanfan is a native Haitian Creole speaker. On November 13, 2025, I interviewed Mr. Fanfan with the assistance of a Haitian Creole interpreter using Language Line, a telephonic interpretation service. I also helped transcribe Mr. Fanfan's declaration using the interpreter. Mr. Fanfan confirmed he understood and agreed to the contents of his declaration.

4. Appended to this declaration are true and correct copies of immigration documents pertaining to Chancely Fanfan, María Maldonado Cruz, and Elesban Angel Mendez.

5. The document appended as "Exhibit 1" is a true and correct photograph of Form I-94 for Chancely Fanfan, documenting his entry to the United States on parole on October 21, 2024, which Mr. Fanfan's wife sent me through a phone messaging service.

6. The document appended as "Exhibit 2" is a true and correct scan of the two-page Order of Release on Recognizance that the Department of Homeland Security issued to María Maldonado Cruz on August 16, 2019, which Ms. Maldonado Cruz's immigration lawyer sent to me as an email attachment.

7. The document appended as "Exhibit 3" is a true and correct scan of the two-page Order of Release on Recognizance that the Department of Homeland Security issued to Elesban Angel Mendez on September 22, 2014, which Mr. Angel Mendez's immigration lawyer sent to me as an email attachment.

8. Per Local Rule 83.3(g), on November 25, 2025, I emailed Assistant U.S. Attorneys Janet A. Cabral and Erin Dimbleby to inform them that within one or two days, Petitioners in this case would be filing an *ex parte* Motion for Temporary Restraining Order seeking their immediate release from Respondents' custody before this Court in the Southern District of California.

I declare under penalty of perjury of the laws of the United States that the foregoing statements are true and correct.

Executed this 25th day of November 2025 in San Diego, California.

/s/ Monika Y. Langarica
Monika Y. Langarica

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION
1	Form I-94 for Chancely Fanfan dated October 21, 2024
2	Order of Release on Recognizance from Department of Homeland Security issued to María Maldonado Cruz on August 16, 2019
3	Order of Release on Recognizance that the Department of Homeland Security issued to Elesban Angel Mendez on September 22, 2014

EXHIBIT 1



For: **CHANCELY FANFAN**

Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94 Public Website and click on the tab for "Get Most Recent I-94" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94 printout matches the "Get Most Recent I-94" returned results for this applicant.

Most Recent I-94

Admission (I-94) Record Number :

226128358A4

Arrival/Issued Date : 2024 October 21

Class of Admission : DT

Admit Until Date : 10/20/2025

Details provided on the I-94 Information form:

Last/Surname :	FANFAN
First (Given) Name :	CHANCELY
Birth Date :	1994 October 31
Document Number :	244767128
Country of Citizenship :	Haiti

**GET THIS TRAVELER'S
TRAVEL HISTORY**



Privacidad - Condiciones

EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: MARIA GUADALUPE MALDONADO-CRUZ A-File Number: A213 321 342
Date: 08/16/2019
Event ID: EGT1908000348 Subject ID: 366418589 FIN: 1287910242

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☒ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

JEFFREY PILKINGTON
Name and Signature of Authorized Officer

08/16/2019 1656
Date and Time of Custody Determination

ACTING PATROL AGENT IN CHARGE
Title

CARRIZO SPRINGS, TEXAS
Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☒ I do request an immigration judge review of this custody determination.
- ☐ I do not request an immigration judge review of this custody determination.

Guadalupe Maldonado
Signature of Alien

08/16/2019
Date

The contents of this notice were read to MARIA GUADALUPE MALDONADO-CRUZ in the SPANISH language.
(Name of Alien) (Name of Language)

JOHNSON, CHRISTOPHER
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Border Patrol Agent
Title

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: A213 321 342

Date: August 16, 2019

Event No: EGT1908000348

Name: MARIA GUADALUPE MALDONADO-CRUZ

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (writing) (person) to DEPORTATION OFFICER

(Name and Title of Case Officer)

at 401 West "A" Street, Suite 800, San Diego, CA
92101

(Location of DHS Office)

on 1st Tuesday/Month(Day of each ~~month~~ month)at 08:00 AM

(Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.



(Signature of DHS Official)

JEFFREY PILKINGTON
ACTING PATROL AGENT IN CHARGE

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

CHRISTOPHER JOHNSON

(Signature of Immigration Officer Serving Order)

Guadalupe Maldonado

(Signature of Alien)

08/16/2019

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

08/16/2019

(Date)

EXHIBIT 3

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: 206 676 991

Date: September 22, 2014

Event No: SND1409000504

Name: ELESBAN ANGEL MENDEZ AKA: ANGEL, ELESBAN MENDEZ

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (writing) (person) to _____ (Name and Title of Case Officer)
 880 Front St., San Diego, Ca., Suite 2242 Tel. _____
 at 619 557 6117 on THURS. OCT. 6, 2014 at 10:30 AM
 (Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.



(Signature of DHS Official)

GREGORY J. ARCHAMBEAULT
 FIELD OFFICE DIRECTOR

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

J 4162 ANDRADE

(Signature of Immigration Officer Serving Order)

(Signature of Alien)

9/22/14

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

(Date)

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: ANGEL MENDEZ, ELESBA See I-831

A-File Number: 206 676 991

Date: 09/22/2014

Event ID: SND1409000504

Subject ID: 351138206

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☐ Detained by the Department of Homeland Security.

☒ Released (check all that apply):

☐ Under bond in the amount of \$ _____

☒ On your own recognizance.

☐ Under other conditions. [Additional document(s) will be provided.]

HAROLDSEN, K

[Signature]
Name and Signature of Authorized Officer

09/22/2014 09:09 AM

Date and Time of Custody Determination

SDDO

Title

ICE ERO SAN DIEGO FIELD OFFICE 880 FRONT See I-831

Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ I do request an immigration judge review of this custody determination.

☐ I do not request an immigration judge review of this custody determination.

Elesba Angel Mendez
Signature of Alien

9/22/14
Date

The contents of this notice were read to ANGEL MENDEZ, ELESBA See I-831 in the SPANISH language.
(Name of Alien) (Name of Language)

ANDRADE, J

[Signature]
Name and Signature of Officer

Andrade, J.A.
Name or Number of Interpreter (if applicable)

IEA

Title