

DECLARATION OF CHRISTINE LAO-SCOTT
Regarding Antonio Lopez Agustin

I, Christine Lao-Scott, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a staff attorney with Arnold & Porter. My office is located at 601 Massachusetts Ave NW in Washington, D.C. I am admitted to practice law in New York and the District of Columbia.
2. This affidavit is based on my personal knowledge and my work on his case, including a review of various documents relating to it. All documents attached as exhibits to this declaration are true and accurate copies, in some instances with redactions.
3. I volunteered to represent Mr. Antonio Lopez Agustin *pro bono* in his bond hearing in approximately September 2019. My work was done through the Project Corazon volunteer lawyer program.
4. I did not initially agree to represent Mr. Agustin in his removal case. After the immigration court denied Mr. Agustin bond in November 2019, I agreed to also represent him in his removal proceedings because he was unable to find other counsel.
5. The immigration court scheduled a bond hearing for Mr. Agustin on November 19, 2019 – more than three months after ICE arrested and detained him.
6. The hearing was scheduled before Judge Mary C. Baumgarten at the Batavia Immigration Court.
7. Judge Baumgarten sits at the Buffalo Immigration Court but was to appear at the Batavia court by videoconference.
8. Mr. Agustin is detained at the Richwood Correctional Center in Richwood, Louisiana. Although he is detained in Richwood, his bond and removal proceedings are venued at the Batavia Immigration Court in Batavia, NY. Mr. Agustin appears by videoconference for these hearings from the Richwood jail.
9. On October 23, 2019, I moved to advance the bond hearing. I also moved the court to allow me to appear telephonically, as my office is located in Washington, D.C., a seven-hour drive from the Batavia Immigration Court.
10. Judge Baumgarten denied my motion to expedite the bond hearing and did not rule on my motion to appear telephonically, effectively denying the motion.

11. I had heard from other *pro bono* volunteers that their motions to appear telephonically were also not ruled on and, if counsel did not appear in person, Judge Baumgarten was proceeding at the hearings with the clients *pro se*.
12. Because I was unable to appear in person at Mr. Agustin's bond hearing and could not appear by telephone, Project Corazon arranged for substitute counsel to appear on my behalf at the last minute.
13. Before the bond hearing, I filed numerous letters of support and other records on his behalf. A true and correct copy of those letters are attached as Exhibit A, though some identifying information has been redacted.
14. Although I was not present at the bond hearing, I was told after the fact that Judge Baumgartner denied bond because Mr. Agustin did not meet his burden to prove he was not a flight risk. In her decision, Judge Baumgartner did not consider alternatives to detention that could mitigate any flight risk.
15. I promptly appealed Judge Baumgarten's decision to the Board of Immigration Appeals, but the Board has yet to make a decision. Mr. Agustin's removal case at the immigration court will likely be completed before the Board decides his appeal.
16. In January 2020, I appeared with Mr. Agustin from the Richwood Correctional Center at his Master Calendar hearing and filed an application for cancellation of removal. That application remains pending.
17. Mr. Agustin's continued detention has made it very difficult for me to represent him because communication at the jail is very burdensome. The only way to have a legal phone call with him is if I fax a request to the jail 24 hours in advance. I then have to call several times to confirm that the call has been scheduled. About half the time, they do not have my fax and I have to resend the fax a second time.
18. Because Mr. Agustin is detained and his removal proceedings are venued over 1,000 miles from his hometown of Carthage, Mississippi, witnesses who might otherwise testify in support of his cancellation application are unavailable to come to court. Mr. Agustin's limited ability to communicate with the outside world also prevents him from helping to gather evidence for his case.

Executed this 9th day of March, 2020 in Batavia, NY

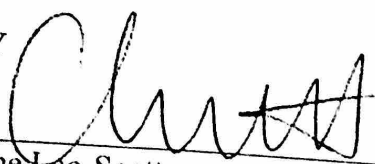

Christine Lao-Scott

EXHIBIT A

CHRISTINE LAO-SCOTT
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
Phone: [REDACTED]
Fax: (202) 942-5000
Email: [REDACTED]

DETAINED

PRO BONO COUNSEL FOR RESPONDENT

**U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BATAVIA IMMIGRATION COURT
BATAVIA, NEW YORK**

In the matter of:

LOPEZ AGUSTIN, Antonio

In Custody Proceedings

File No.: [REDACTED]

Immigration Judge: Mary C. Baumgarten

Bond Hearing Date: 11/19/ 19 at 1pm

**RESPONDENT'S BRIEF AND EVIDENCE
IN SUPPORT OF CUSTODY REDETERMINATION**

I. Introduction

Respondent, Antonio Lopez-Agustin, by and through undersigned *pro bono* counsel, hereby requests that this Court grant him release on recognizance or on a reasonable bond. Respondent is not a danger to persons or property, he does not pose a flight risk, and he is not a danger to national security. *See Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006). Accordingly, he merits release from custody.

II. Statement of the Facts

Antonio was born on [REDACTED] 1983, in Mexico. He entered the United States in approximately 1996. He and his long-term partner have one United States Citizen (“USC”) daughter, [REDACTED] who is seven-years-old. *See* Tabs B, N–P. Antonio’s daughter has suffered from stomachaches and anxiety since her father’s detention, and Antonio’s financial and emotional support are integral to her wellbeing. *See* Tab E. Antonio has lived at the same address for the last eight years and has helped the landlord with home repairs. *See* Tab F. Antonio recently entered into discussions with the landlord to purchase the property. *Id.*

Antonio’s criminal history consists of one conviction of Possession of a False Identification Document in violation of 18 U.S.C. § 1028(a)(6) in 2005. *See* Tab J. He was sentenced to supervised release for one year. Several months into that year, Antonio told his Probation Officer that he may need to return to Mexico for financial reasons. Antonio ultimately did not abscond, but the Probation Officer erroneously filed a Petition for Warrant or Summons for Offender Under Supervision. *See* Tab K. An Order to Dismiss Petition to Revoke Term of Suspended Release was filed in 2012 and the Court did dismiss. *See* Tab L. He had had no subsequent contact with law enforcement until he was apprehended by Immigration and Customs Enforcement on August 7, 2019.

Antonio has been in the custody of the Department of Homeland Security since August 7, 2019.

III. Argument

In *Matter of Guerra*, 24 I&N Dec. at 40, the Board of Immigration Appeals determined that an Immigration Judge may look to the following factors in deciding whether an individual merits release from custody, as well as the appropriate amount of bond: (1) whether the individual has a fixed address in the United States; (2) length of residence in the United States; (3) family ties in the United States; (4) employment history; (5) record of appearance in court; (6) criminal record; (7) history of immigration violations; (8) any attempts to flee prosecution; and (9) manner of entry to the United States. The Immigration Judge has broad discretion in deciding the factors that he or she may consider in custody redeterminations and may choose to give greater weight to some factors, as long as the decision is reasonable. *Id.*

Under the *Guerra* analysis, and as discussed below, Antonio's positive factors significantly outweigh any negative factors. Accordingly, the Court should grant *de minimus* bond.

A. Antonio is not a danger to persons or property

Antonio is not a danger to the community. He has been arrested once for a non-violent crime (cite to the statute here), took responsibility by pleading guilty, and was sentenced to time served and probation. He remained in Mississippi for the required probation, and the term of supervised release was terminated. Since that time, Antonio has had no additional arrests and has dedicated himself to the care of his long term-partner, his USC daughter, and his friends.

Indeed, Antonio's community provides insight into his good moral character and positive contributions to the community. He is considered an, "honest, kind, responsible, and respectful man." *See* Tab I. Antonio's landlord, Randy Alford, describes him as a, "hardworking and honest man who helps anyone he can in the community." *See* Tab F. Long-time friend Vicki Edwards states that, "he is a good man with a daughter and wife who needs him," and that he, "is a good person." *See* Tab H. Neighbor Lisa Bishop describes Antonio as a, "law-abiding man. He doesn't get into any trouble and he would never hurt anyone. He is a family man who is all about taking care of his wife...and his little girl [REDACTED]" *See* Tab D. Quite to the contrary of being a danger to the community, Respondent has positively contributed to the lives of those around him in numerous ways. As his neighbor Steven explains, "This man has helped me in so many ways. He helped me recover from colon cancer and two major strokes in 2013 by not giving up on me and not letting me give up on myself." *See* Tab C.

B. Antonio does not pose a flight risk

Respondent does not pose a flight risk because he (1) has deep connections in his community, (2) is a major financial provider for his family, and (3) is prima facie eligible for non-LPR cancellation of removal under INA § 240A(b)(1).

Respondent has lived in Mississippi for over fifteen years. *See* Tabs G & H. He is deeply ingrained in his community, as demonstrated by letters of support indicating that he has maintained friendships for over ten years, *id.*, is a member of a local soccer team, *see* Tab H, and has, "become part of [the] family" in the eyes of his USC neighbors, Lisa Bishop and Steven Newsom. *See* Tabs C and D. Respondent's daughter even calls these neighbors, "Grandma" and "Grandpa." *Id.* Both Lisa Bishop and Steven Newsom have offered to take him to all of his

upcoming court dates. *Id.* Should he be released on bond, Respondent intends to reside at his permanent residence, a home that he rents located at [REDACTED], where he has resided for approximately eight years. *See* Tab F.

Additionally, Respondent is a major financial provider for his family, including his long-term partner and USC daughter. Just as importantly, Respondent provides essential emotional support to his family. As his neighbor Lisa Bishop explains, “We are helping [long-term partner] and [REDACTED] as much as we can, but they need Antonio. He is the one who works and takes care of this family. He is the rock of this family.” *See* Tab D. Respondent’s neighbor Steven Newsom states, “[h]is wife and child need this man to come home. [REDACTED] needs her father...she’s having trouble in school and cries a lot...please let me brother come home to his family.” *See* Tab C. Respondent is extremely motivated to defend his removal case so that he can continue to support his family financially and otherwise.

Finally, Respondent has provided evidence that he is *prima facie* eligible for cancellation of removal under INA § 240A(b)(1). The statute states that there are four requirements: (1) he has been physically present in the United States continuously for at least ten years; (2) he has had good moral character for ten years; (3) he has not been convicted of certain offenses (including a crime involving moral turpitude (CIMT)); and (4) to deport him would cause exceptional and extremely unusual hardship to his LPR or U.S. citizen spouse, child, or parent.

Here, Antonio has resided continuously in the United States since 1996, *see* Tab G, and he is a person of good moral character, *see* Tabs C-D, and F-I. Additionally, Antonio has not been convicted of any disqualifying crimes. *See Matter of Serna*, 20 I&N Dec. 579 (BIA 1992) (concluding that “the crime of possession of an altered immigration document with the knowledge that it was altered, but without its use or proof of any intent to use it unlawfully, is

not a crime involving moral turpitude.”). *See also Matter of X*, 2013 WL 5538153 (AAO Feb. 8, 2013) (finding, “mere knowing possession of a fraudulent identification document is not a crime involving moral turpitude, and as 18 U.S.C. § 1028(a)(6) is clear on its face and proscribes only such knowing possession.”). *See also Matter of X*- 2011 WL 9159245 (AAO Dec, 27, 2011) (“even if a conviction under 18 U.S.C. § 1028(a)(6) was a CIMT, it would meet the petty offense exception at section 212(a)(2)(A)(ii)(II) of the Act. Pursuant to 18 U.S.C. § 1028(a)(6) the maximum penalty for the petitioner’s conviction would have been “a fine...or imprisonment for not more than one year, or both.””).

Additionally, Antonio has filed prima facie evidence that his USC daughter, ██████ would suffer exceptional and extremely unusual hardship if he were deported. Antonio’s financial and emotional support is integral to her care and wellbeing. In her own words, ██████ writes, “I miss my daddy so much. Please let him come home. My mama and me need him. We cry everyday. He is a good daddy. He works everyday and takes care of me.” *See* Tab A. Respondent’s daughter’s teacher, Michelle Quick states, “██████ has missed school due to stomach issues. She has cried to me and on multiple occasions told me she misses her dad and wishes he was home.” *See* Tab E. Randy Alford states that Antonio’s partner is “struggling to make ends meet during [his] absence,” *see* Tab F, and Lisa Bishop asserts, “[Antonio] is the rock of this family.” *See* Tab D.

Furthermore, the Mississippi Center for Justice has offered to screen Respondent for pro bono legal services to represent him on his non-LPR cancellation of removal case in his ongoing removal proceedings. *See* Tab P.

C. Antonio is not a threat to national security

Antonio is an upstanding member of his community with no record indicating that he represents a threat to national security.

IV. Conclusion

Antonio is an integral member of his family and his community. He has lived and worked in the United States for over twenty years, supports his U.S. citizen daughter and partner, and is by all accounts an upstanding member of his community. He was convicted of a single non-violent criminal offense over a decade ago and has taken full responsibility for his actions. The record clearly reflects that he is neither a flight risk nor a danger to the community. These factors should weigh heavily in this Court's determination as to whether Respondent merits release. *See Matter of Guerra*, 21 I&N Dec. at 40.

For these reasons, Respondent contends that he has met his burden of demonstrating that he merits release on recognizance or a reasonable bond.

Dated: October 23, 2019

Respectfully submitted,



CHRISTINE LAO-SCOTT
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601 Massachusetts Avenue, NW
Washington, DC 20001
Phone: [REDACTED]
Fax: (202) 942-5000
Email: [REDACTED]

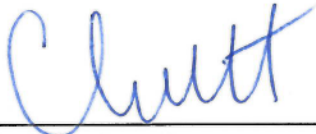
PRO BONO COUNSEL FOR RESPONDENT

Tab	INDEX OF DOCUMENTATION SUBMITTED IN SUPPORT OF CUSTODY REDETERMINATION Antonio Lopez Agustin A [REDACTED]	Page(s)
A	Letter of support from USC daughter, [REDACTED]	1
B	Birth Certificate of Respondent's USC daughter	2
C	Letter of support from family friend, Steven Newsom, and driver's license copy	3-5
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J	Judgment in Possession of False Identification Document case	15-20
K	Petition for Warrant for Offender Under Supervision	21
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M	Photograph of Respondent, USC daughter, and long-term partner	24
N	Photograph of Respondent, USC daughter, and long-term partner	25
O	Photograph of Respondent, USC daughter, and long-term partner	26
P	Letter from Mississippi Center for Justice offering to screen	27
	<i>Certificate of Service</i>	

CERTIFICATE OF SERVICE

I, Christine Lao-Scott, hereby certify that on October 23, 2019, I served a true and correct copy of the foregoing **Respondent's Brief and Evidence in Support of Custody Redetermination** to the Department of Homeland Security Office of the Chief Counsel via email at the following address:

bataviadutyattorney@ice.dhs.gov




Christine Lao-Scott

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

OMB#1125-0006

Notice of Entry of Appearance as Attorney or
Representative Before the Immigration Court

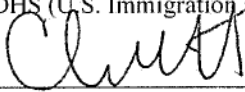
(Type or Print) NAME AND ADDRESS OF REPRESENTED PARTY			ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.)
Christine	G	Lao-Scott	██████████
(First)	(Middle Initial)	(Last)	
601 Massachusetts Avenue, NW			Entry of appearance for (please check <u>one</u> of the following):
(Number and Street)		(Apt. No.)	<input type="checkbox"/> All proceedings
Washington	DC	20001	<input checked="" type="checkbox"/> Custody and bond proceedings only
(City)	(State)	(Zip Code)	<input type="checkbox"/> All proceedings other than custody and bond proceedings
Attorney or Representative (please check one of the following):			
<input checked="" type="checkbox"/> I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).			
Full Name of Court <u>District of Columbia</u> Bar Number (if applicable) <u>975682</u>			
<input type="checkbox"/> I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:			

<input type="checkbox"/> I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).			
<input type="checkbox"/> I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).			
<input type="checkbox"/> I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).			
<input type="checkbox"/> I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).			
Attorney or Representative (please check one of the following):			
<input checked="" type="checkbox"/> I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.			
<input type="checkbox"/> EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.			
I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 <i>et seq.</i> I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.			
SIGNATURE OF ATTORNEY OR REPRESENTATIVE		EOIR ID NUMBER	DATE
X 		HH286350	10/23/2019
NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS			
Name:	Christine	G	Lao-Scott
	(First)	(Middle Initial)	(Last)
Address:	601 Massachusetts Avenue, NW		
	(Number and Street)		
	Washington	DC	20001
	(City)	(State)	(Zip Code)
Telephone:	██████████	Facsimile: (202) 942-5000	Email: ██████████
<input type="checkbox"/> Check here if new address			

Indicate Type of Appearance:
 Primary Attorney/Representative Non-Primary Attorney/Representative

 On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)

 I am providing pro bono representation. Check one: yes no
Proof of Service
 I (Name) Christine Lao-Scott mailed or delivered a copy of this Form EOIR-28 on (Date) 10/23/2019
 to the DHS (U.S. Immigration and Customs Enforcement – ICE) at bataviadutyattorney@ice.dhs.gov

 X 

Signature of Person Serving

APPEARANCES - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review*, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101*et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Honorable Judge,

My name is [REDACTED], I am 7 years old.
My daddy is Antonio Lopez Agustin, I miss my
daddy so much, Please let him come Home,
My momma and me need him, we cry
every day. He is a good daddy, He works
everyday and takes care of me.

Please [REDACTED]
[REDACTED]

STATE OF MISSISSIPPI

MISSISSIPPI STATE DEPARTMENT OF HEALTH
VITAL RECORDS



ajn-1773871-1-2



10277054

CERTIFICATE OF LIVE BIRTH

FILING DATE: NOV 07 2011

STATE FILE NUMBER: [REDACTED]

Child

Name: [REDACTED]
Date of Birth: [REDACTED] 2011 Hour Of Birth: 3:21 p.m. Sex: FEMALE
Plurality/Order: SINGLE BirthWeight: 3470 Grams
Location of Birth: UNIVERSITY MEDICAL CENTER
City/Town of Birth: JACKSON County of Birth: HINDS

Father

Name: ANTONIO LOPEZ
Race: HISPANIC
Date of Birth: [REDACTED] 1983 State/Country of Birth: MEXICO

Mother

Maiden Name
Race: HISPANIC
Date of Birth: [REDACTED] 1979 State/Country of Birth: [REDACTED]

Residence

State: MISSISSIPPI County: LEAKE
Street Address/Location: [REDACTED]
Mailing Address: [REDACTED]

Personal Information Certification

Parent Signature on Certificate: YES Date Signed: 10-31-2011 SSN Requested for Child: YES

Certification of Child Information

Certifier: KASSANDRA COUSIN, HIS TECH II Certifier Signature on Certificate: YES
Date Signed: 10-31-2011
Certifier Mailing Address: 2500 NORTH STATE ST

COMPUTER GENERATED COPY OF INFORMATION CONTAINED ON CERTIFICATE OF LIVE BIRTH ON FILE IN THIS OFFICE FOR ABOVE NAMED CHILD
THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE CERTIFICATE ON FILE IN THIS OFFICE

DATE ISSUED: MARCH 09, 2012

Judy Moulder
Judy Moulder
STATE REGISTRAR

WARNING: A REPRODUCTION OF THIS DOCUMENT RENDERS IT VOID AND INVALID. DO NOT ACCEPT UNLESS EMBOSSED SEAL OF THE MISSISSIPPI STATE BOARD OF HEALTH IS PRESENT. IT IS ILLEGAL TO ALTER OR COUNTERFEIT THIS DOCUMENT.

VERIFY PRESENCE OF WATERMARK HOLD TO LIGHT TO VIEW

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THIS IS WATERMARKED PAPER. DO NOT ACCEPT WITHOUT FIRST HOLDING TO LIGHT TO VERIFY WATERMARK

OCTOBER 8, 2019

RE: ANTONIO LOPEZ AGUSTIN

HONORABLE JUDGE:

MY NAME IS STEVEN KYLE NEWSOM. I AM A UNITED STATES CITIZEN. ANTONIO LOPEZ HAS BEEN MY NEIGHBOR FOR 8 YEARS NOW. OVER THESE LAST 8 YEARS ANTONIO AND HIS WIFE AND DAUGHTER HAVE BECOME PART OF MY FAMILY. THIS MAN HAS HELPED ME IN SO MANY WAYS. HE HELPED ME RECOVER FROM COLON CANCER AND 2 MAJOR STROKES IN 2013 BY NOT GIVING UP ON ME AND NOT LETTING ME GIVE UP ON MYSELF. I'M DOING JUST ABOUT ALL THE THINGS I USE TO ENJOY AGAIN. HE KEEPS ME WALKING, RUNNING, KICKING A SOCCER BALL AROUND, THROWING THE FOOTBALL... OUR FAMILIES DO ALOT TOGETHER. WE GO FISHING, PLAY SOCCER AT THE PARK, FLEA MARKETS ON SATURDAY MORNINGS, ROASTING CORN ON A FIRE IN THE BACKYARD, AND THE LIST GOES ON.

ANTONIO HAS AN 8 YEAR OLD DAUGHTER WHO CALLS ME HER GRANDPA. SHE IS A BIG DADDY'S GIRL. HE SPOILS HER ROTTEN AND TEACHES HER RIGHT AND WRONG. HE IS A GOOD MAN WHO DOES NOT GET INTO


ANY KIND OF TROUBLE. HE'S A HARD WORKING MAN. FAMILY COMES FIRST TO HIM.

HIS WIFE AND CHILD NEED THIS MAN TO COME HOME. [REDACTED] NEEDS HER FATHER. SHE IS VERY ATTACHED TO BOTH OF HER PARENTS. SHE'S HAVING TROUBLE IN SCHOOL AND CRY'S ALOT. SHE'S ONLY 8 YEARS OLD. SHE DOESN'T UNDERSTAND FULLY. THEY NEED HIM HERE TO WORK AND PROVIDE FOR THEM ALSO.

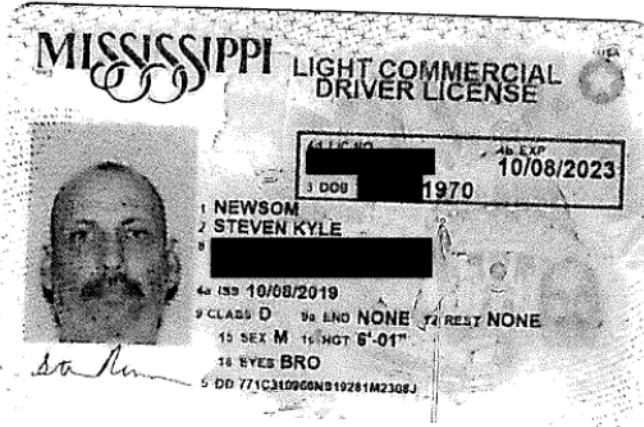
I WILL MAKE SURE HE GETS TO EVERY COURT DATE HE HAS. I AM JUST AS CLOSE TO HIM AS I AM MY OWN BROTHER. PLEASE LET MY BROTHER COME HOME TO HIS FAMILY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT TO THE BEST OF MY OWN PERSONAL KNOWLEDGE.

STEVEN KYLE NEWSOM



10/8/2019



OCTOBER 8, 2019

RE: ANTONIO LOPEZ AGUSTIN

HONORABLE JUDGE:

MY NAME IS LISA BISHOP. I AM A UNITED STATES CITIZEN. I HAVE LIVED IN MISSISSIPPI MY ENTIRE 55 YEARS. ANTONIO AND HIS FAMILY HAVE LIVED NEXT DOOR TO ME FOR 8 YEARS NOW. THEY ARE MORE THAN MY NEIGHBORS; THEY ARE PART OF MY FAMILY.

ANTONIO IS A WONDERFUL YOUNG MAN AND A GREAT FATHER AND HUSBAND. HE AND MY HUSBAND ARE VERY CLOSE. WE ALL SPEND ALOT OF TIME TOGETHER. WE GO FISHING, HAVE COOKOUTS, GO TO THE STATE FAIR EVERY YEAR, GO TO FLEA MARKETS, AND ALL KINDS OF THINGS. HIS DAUGHTER, [REDACTED] CALLS US GRANDMA AND GRANDPA.

IN 2013 MY HUSBAND, STEVE, HAD COLON CANCER AND 2 STROKES IN THE COURSE OF TWO MONTHS. HE DIDN'T WANT TO DO ANYTHING BUT LAY IN BED. TONY WOULD NOT LET HIM. HE MADE HIM GET UP AND EXERCISE TO GET HIS STRENGTH BACK. HE EVEN HAS HIM PLAYING SOCCER.

ANTONIO IS A LAW-ABIDING MAN. HE DOESN'T GET INTO ANY TROUBLE AND HE WOULD NEVER HURT

ANYONE. HE IS A FAMILY MAN WHO IS ALL ABOUT TAKING CARE OF HIS WIFE, [REDACTED], AND HIS LITTLE GIRL, [REDACTED] [REDACTED] WILL BE 8 YEARS OLD ON [REDACTED].

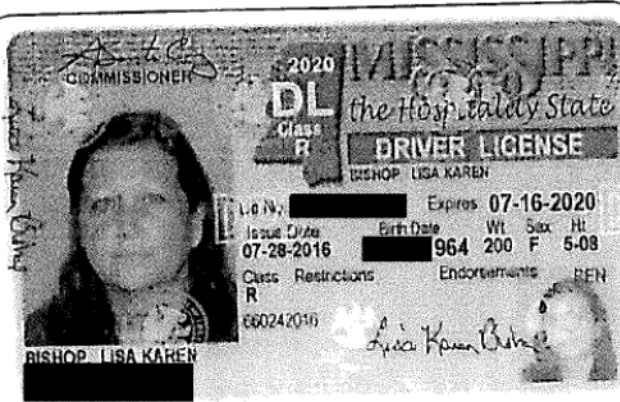
WE ARE HELPING [REDACTED] AND [REDACTED] AS MUCH AS WE CAN, BUT THEY NEED ANTONIO. HE IS THE ONE WHO WORKS AND TAKES CARE OF THIS FAMILY. HE IS THE ROCK OF THIS FAMILY. I AM USE TO SEEING TONY AND [REDACTED] OUTSIDE EVERY EVENING PLAYING. NOW, SHE DOESN'T EVEN COME OUTSIDE ANYMORE. SHE'S A GREAT STUDENT IN SCHOOL, BUT SHE DOESN'T WANT TO LEAVE HER MOM HOME ALONE. HER WHOLE WORLD HAS BEEN TURNED UPSIDE DOWN. I HUMBLE ASK YOUR HOHOR TO PLEASE LET THIS MAN COME HOME TO HIS FAMILY. I WILL BE MORE THAN HAPPY TO MAKE SURE HE GETS TO ALL THE COURT DATES HE HAS. WHATEVER HE NEEDS TO DO.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY OWN PERSONAL KNOWLEDGE.

LISA BISHOP

Lisa Bishop

10/8/2019



October 3, 2019

To Whom It May Concern:

I am, Michelle Quick, [REDACTED] second grade teacher at Leake Central Elementary. I just wanted to inform you that [REDACTED] has missed school due to stomach issues. She has cried to me and on multiple occasions told me she misses her dad and wishes he was home.

Thank you,



Michelle Quick
[REDACTED]

Honorable Judge

My name is Randy Alford, I am a proud United States Citizen.

I was born and raised in Mississippi.

I own a small farm and a rental house in the city of [REDACTED]

Antonio Lopez-Augustin and his wife [REDACTED] have rented a house located at [REDACTED] [REDACTED] for approximately 8 years. They have been wonderful tenants, they keep the house in excellent condition and Antonio always does minor repairs to the home and assists with any larger ones.

Antonio and [REDACTED] were talking to me about purchasing the home before Antonio was detained.

He is a hardworking and honest man who helps anyone he can in the community.

Antonio and [REDACTED] have a beautiful daughter who is a student in my friend's second grade class and I am told that she is a model student.

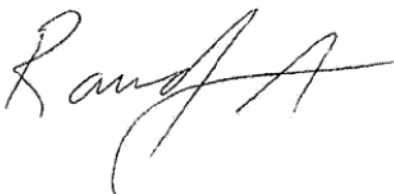
[REDACTED] is a wonderful mother but she is struggling to make ends meet during Antonio's absence.

I honestly believe that Antonio is and would continue to be a valuable part of our community.

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

Randy Alford

10-10-2019



HOWELL'S CHECK CASHING



8/21/2019 WHOM IT MAY CONCERN,

I HAVE KNOWN ANTONIO LOPEZ AGUSTIN FOR AT LEAST 15 YEARS HE IS A VERY GOOD PERSON AND A VERY HARD WORKER. I THINK HE WOULD MAKE A GREAT U.S. CITIZEN. THEY ARE RENTING AT [REDACTED] [REDACTED] THE PEOPLE IN THE NEIGHBORHOOD NEVER HAD ANY COMPLAINTS . ALWAYS PAID BILLS ON TIME.

ANY ASISSTANCE TO GET HIM BACK WITH HIS FAMILY WOULD BE HELPFUL AND APPRECIATED.

THANKS,

Jimmy Howell
JIMMY HOWELL





U.S. Department of Veterans Affairs



Member ID [REDACTED]

Card Expires: 08/24/2024

VA HEALTHCARE ENROLLEE

Plan ID (80840) [REDACTED]



Member
JIMMY D HOWELL



COMMISSIONER

the Hospitality State

HOWELL JIMMY DALE

License No.	[REDACTED]	Expires	02-19-2022
Issue Date	02-18-2014	DOB Date	[REDACTED]
Class	R	Restrictions	Endorsements
	440842214		REN

HOWELL, JIMMY DALE

[REDACTED]

Jimmy Howell

To Whom It May Concern

I have been knowing Antonio Lopez Agustin for about 10 years. He is a good man with a daughter and wife who needs him here. Tony worked to support his family and on the weekends played soccer. I am asking the Court to please let him stay here with his family and friends. Tony is a good person.

Thank You
Kikki Edwards



State of Mississippi
County of Leake
Subscribed and sworn to before me this 18th day of Sept. 2019
Dot Merchant
Chancery Clerk
By Daniell Clay D.C.

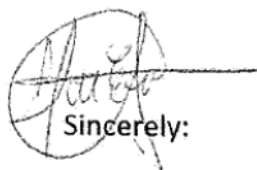
Doris Garcia

Sept. 19, 2019



Whom it may concern, this letter is in regards of Antonio Lopez Agustin, I am recommend for his case with immigration. From my experience Antonio is honest, kind, responsible and respectful man.

He is a generous man who give help to of those in need help. He is easy to get along with and make you feel good with his presence.

A handwritten signature in black ink, appearing to read "Andy", written over a circular stamp. Below the signature is the word "Sincerely:".

Sincerely:

Tienda Andy



861

UNITED STATES DISTRICT COURT

Southern

District of

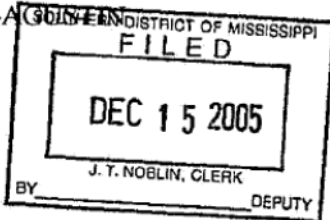
Mississippi

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ANTONIO LOPEZ-AGUIAR



Case Number: 1:05cr961G-JMR-001

USM Number: [REDACTED]

John Weber
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) Information
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 1028(a)(6)	Possession of False Identification Document	10/18/05	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 7, 2005
Date of Imposition of Judgment

Signature of Judge

John M. Roper, Chief U.S. Magistrate Judge
Name and Title of Judge

Date

12-15-05

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

ONE YEAR

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall abstain from the use of alcohol and illegal drugs.

The defendant shall not use any mood altering substances, including prescribed medication, without permission of the probation office.

If deported, the defendant is not to re-enter the United States without the written permission of the Secretary of Homeland Security.

DEFENDANT: LOPEZ-AGUSTIN, Antonio
 CASE NUMBER: 1:05cr96LG-JMR-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS Assessment Fine Restitution
 \$ 25 \$ \$

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS \$ _____ 0 \$ _____ 0

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

19

DEFENDANT: LOPEZ-AGUSTIN, Antonio
CASE NUMBER: 1:05cr96LG-JMR-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 25 due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

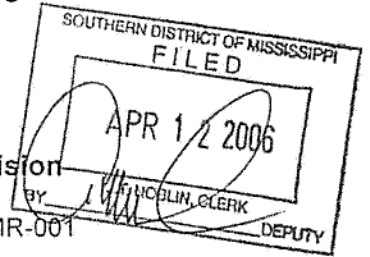
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PROB 12C
(7/93)

United States District Court
for the
Southern District of Mississippi
Petition for Warrant or Summons for Offender Under Supervision



Name of Offender: Antonio Lopez-Agustin Case No: 1:05cr96LG-JMR-001
Name of Sentencing Judicial Officer: Honorable John M. Roper, Chief U.S. Magistrate Judge
Date of Original Sentence: December 7, 2005
Original Offense: 18 U.S.C. § 1028(a)(6); Possession of False Identification Document
Original Sentence: One (1) Year Probation
Type of Supervision: USM Probation Date Supervision Commenced: December 7, 2005
Asst. U.S. Attorney: Glenda Haynes Defense Attorney: John Weber

PETITIONING THE COURT

The following information is to be released to U.S. Probation Officer, U.S. Attorney, and U. S. Marshal Service only.

To issue a WARRANT

Last address provided: 2536 Mount Charity, Lot D #5, Carthage, MS. 39351

The probation officer believes that the probationer has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Standard Condition No. 1	The supervised releasee left the Judicial District of the Southern District of Mississippi without permission of the Court or the probation officer and is believed to be in the State of Oaxca, Mexico, and has absconded supervision.

Reviewed and Approved,

by Marty Williams

Marty Williams, Supervising
U. S. Probation Officer
Date: March 31, 2006

Respectfully submitted,

by James W. Fentress II

James W. Fentress, II
U.S. Probation Officer
Date: March 31, 2006

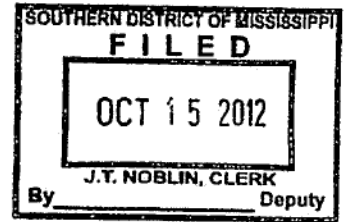
THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons for a hearing to be held at _____ am/pm, on the _____ day of _____, 2006 at the U. S. District Courthouse in _____, Mississippi.
- Other

[Signature]

Signature of Judicial Officer

April 7, 2006
Date



**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL NO: 1:05cr96-JMR-001

ANTONIO LOPEZ-AGUSTIN

**ORDER TO DISMISS PETITION TO REVOKE TERM OF SUPERVISED
RELEASE**


This cause is before the Court on a request by the United States Probation Officer to dismiss the petition to revoke the defendant's term of supervised release. The defendant was placed on supervision December 15, 2005, for a term of one year for Possession of a False Identification Document, 18 U.S.C. § 1028(a)(6). On April 12, 2006, a petition for a warrant to revoke the defendant's supervision was filed with the U.S. District Clerk's office alleging the defendant had returned to Mexico.

Whereas the Court has been made aware that this is a misdemeanor case and there is not information before the Court that this defendant has attempted re-entry, nor committed any other criminal offense, the Court finds that it can best utilize its resources, which includes the U.S. Marshals Service, the U.S. Probation Office, the U.S. Attorney's Office, the Federal Defender's Office, and this Honorable Court, in other areas.

RE: LOPEZ-AGUSTIN, Antonio
Docket No: 1:05cr96-JMR-001
Order To Dismiss Petition to
Revoke Term of Supervised Release
Page 2 of 2

Therefore, the Court finds the request to be well taken. The petition is hereby dismissed and the term of supervised release in this case is terminated.

SO ORDERED, this the 15th day of October, 2012.



Honorable John M. Roper
Chief U.S. Magistrate Judge







MISSISSIPPI
CENTER
FOR JUSTICE

14 October 2019

Re: Antonio Lopez Agustin [REDACTED]

To the Honorable Court:

My name is Amelia McGowan, and I am a Senior Attorney for the Mississippi Center for Justice, a non-profit law firm in Jackson, Mississippi, and I am also an Adjunct Professor of Law at Mississippi College School of Law, where I direct the Immigration Clinic. My practice not only focuses on pro bono removal defense, but I have also spent the past three years working to recruit, train, and mentor area attorneys interested in providing pro bono immigration representation for immigrants in Mississippi.

In the aftermath of the August 7 ICE raids—the largest statewide workplace raid in US history—MCJ joined a coalition of other local organizations and independent immigration attorneys, including the Mississippi Immigrants' Rights Alliance (MIRA), the MacArthur Justice Center at the University of Mississippi School of Law, the Southeast Immigrant Rights Network (SEIRN), the American Civil Liberties Union of Mississippi, El Pueblo, the Southern Poverty Law Center (SPLC), and Catholic Charities of the Diocese of Jackson, to provide comprehensive humanitarian and legal assistance to Mississippi families impacted by the raids. Within that coalition, my team's role is to coordinate pro bono representation for Mississippi immigrants in removal proceedings who are unable to afford counsel.

Should Mr. Lopez Agustin be released on bond, our team is prepared to provide him with a screening to refer him to pro bono counsel and other coalition services that he may need, which include food, clothing, assistance with rent and other bills, and physical and mental health care. I will ensure that his bond counsel be provided my contact information to ensure a smooth transition upon release.

We look forward to hearing from and assisting Mr. Lopez Agustin. Should you have any questions about our proposed referral plan for Mr. Lopez Agustin, please do not hesitate to contact me at [REDACTED]. Thank you for your time and consideration.

Very sincerely yours,



Amelia McGowan, Senior Attorney (MSB# 103610)
Mississippi Center for Justice
5 Old River Pl., Ste. 203
Jackson, Mississippi 39202
Tel.: [REDACTED]
Fax: 601-352-4769
E-mail: [REDACTED]

Declaration of Antonio Lopez Agustin

I, Antonio Lopez Agustin, state and declare as follows:

1. My name is Antonio Lopez Agustin. I was born in Mexico and am thirty-six years old.

My Background and Life in the United States

2. I have lived in the United States for my entire adult life. I came to the United States when I was sixteen years old, in 1999.
3. I have one U.S. citizen daughter who is eight years old. I am her primary caretaker.
4. For the past eight years, I have lived at the same address in Carthage, Mississippi. Before ICE arrested me, I was speaking with the landlord about buying the place.
5. About fifteen years ago, I was convicted for having a fake identification and sentenced to one year of supervised release. I also have some traffic fines, including for driving without a license, which I have paid in full. I have no other criminal history.

ICE's Arrest and My Detention

6. On August 7, 2019, ICE arrested me during a raid at my workplace. Many of my co-workers were also arrested.
7. After ICE arrested me, I was detained at a jail in Mississippi for about one month. Then they brought me to the jail in Richwood, Louisiana. I am currently detained at the jail in Richwood.
8. The past seven months in jail have been very hard on me and my family. Although my neighbors and church try to help a bit financially, my daughter and partner do not have money to pay for food, shelter, and other necessities. My daughter especially has been suffering since her dad has been in jail. I missed her birthday, Thanksgiving, and Christmas because I have been in detention.
9. Being in jail has been very hard. The food is very bad. I am very used to being with my daughter. I used to bring her to school and pick her up. I can't bear to tell her what is happening. I'm just waiting and hoping that I will be released.
10. Before I was detained, I earned about \$280 a week and was responsible for supporting for my daughter. I do not have the money to pay for an attorney.
11. After a few weeks, I found an attorney who was willing to represent me for free. Her name is Christine. Christine was just helping me for my bond hearing, and I still needed to find an attorney to help me with my removal case.

12. I hoped that I would be released on bond, then I could save money and pay for an attorney to help in my removal case.
13. Before I spoke with Christine, I did not know the process for seeking bond or what I needed to submit to help me get released from jail.
14. The immigration court scheduled a bond hearing for me on November 19, 2019 with Judge Baumgarten. I believe Christine asked for the hearing to happen earlier, but her request was denied.
15. I had heard that Judge Baumgarten was very strict and did not let the attorneys or people before her talk in the hearings. Of the eighty people who I came in with, I heard that only two were released. I believe she denied bond to all of them.
16. Although I am detained in Louisiana, I was assigned to an Immigration Court in Batavia, New York. I watched my hearing on a video from the jail in Richwood.
17. My lawyer Christine works in Washington, D.C. and told me that she would be there on the phone.
18. Before my hearing, Christine told me that the judge would not let her be there on the phone and she would have another lawyer in court on her behalf. I had never met the other lawyer who appeared for me at my bond hearing.
19. Christine told me that she had given to the judge many letters, including letters from my landlord for the past 8 years, my daughter's teacher, and my friends.
20. In total, my bond hearing lasted for about 5 minutes. The only thing the judge asked me was my name.
21. At my hearing, Judge Baumgarten denied bond. She said that because I had a hearing before, and did not go, I was a flight risk. I do not know what she was talking about, as I don't remember ever missing any court dates. I would have been willing to wear an ankle monitor, report to ICE, or do any other type of program that would allow me to fight my case from outside jail.
22. After bond was denied, Christine agreed to help me in my removal case. She appeared with me from the jail in Richwood, Louisiana at my removal hearing in January 2020 and filed an application for cancellation of removal.
23. My removal case is still pending.

Willingness to Serve as Class Representative

24. I think it is unfair that the judge required me to prove that I am not a danger or a flight risk, and that she denied my request for release. I am willing to participate in whatever program the Court asks me to do instead of being in jail. I want this class-action lawsuit to help not only me but also other people facing similar situations.

25. I have talked with an attorney with the New York Civil Liberties Union about what it means to be a class representative, and I have decided I want to take on that role if the Court will permit me to do so. I want to speak up for everyone who is denied a fair chance to be released from detention just like me, and I am asking the Court to allow me to speak for them.

26. I write this declaration to show my interest in serving as a class representative in this class action lawsuit to represent the other people who are facing situations similar to mine. I know that I am asking the Court to allow me to represent other people facing situations similar to mine.

27. I am willing to travel to attend any hearings or other court proceedings. No matter if I win release from detention during my immigration case, win my immigration case, or lose my immigration case and have to leave the country, I still will be in this lawsuit until the end. I am happy to keep working on it in the future and to be a spokesperson for other people facing situations similar to the one I now face.

Executed this __ day of March, 2020 in Richwood, LA.

Antonio Lopez Agustin

Declaración de Antonio Lopez Agustin

Yo, Antonio López Agustin, digo y declaro lo siguiente:

1. Mi nombre es Antonio López Agustin. Yo nací en México y tengo treinta y seis años de edad.

Mi Historia y Vida en los Estados Unidos

2. Yo he vivido en los Estados Unidos durante toda mi vida adulta. Vine a los Estados Unidos cuando tenía dieciséis años, en 1999.
3. Tengo una hija ciudadana de los Estados Unidos que tiene ocho años. Soy su cuidador principal.
4. Durante los últimos ocho años, he vivido en la misma dirección en Carthage, Mississippi. Antes de que ICE me arrestara, estaba hablando con el propietario sobre la compra del lugar.
5. Hace unos quince años, fui condenado por tener una identificación falsa y sentenciado a un año de libertad supervisada. También tengo algunas multas de tráfico, incluso por conducir sin licencia, que he pagado en su totalidad. No tengo otro historial criminal.

El Arresto de ICE y Mi Detención

6. El 7 de agosto de 2019, ICE me arrestó durante una redada en mi lugar de trabajo. Muchos de mis compañeros de trabajo también fueron arrestados.
7. Después de que ICE me arrestó, estuve detenido en una cárcel en Mississippi durante aproximadamente un mes. Luego me llevaron a la cárcel en Richwood, Louisiana. Actualmente estoy detenido en la cárcel de Richwood.
8. Los últimos siete meses en la cárcel han sido muy duros para mí y mi familia. Aunque mis vecinos y la iglesia intentan ayudar un poco económicamente, mi hija y mi pareja no tienen dinero para pagar la comida, el refugio y otras necesidades. Mi hija ha sufrido especialmente desde que su padre estuvo en la cárcel. Me perdí su cumpleaños, Acción de Gracias y Navidad porque he estado detenido.
9. Estar en la cárcel ha sido muy difícil. La comida es muy mala. Estoy muy acostumbrado a estar con mi hija. Solía llevarla a la escuela y recogerla. No puedo soportar decirle lo que está sucediendo. Solo sigo a la espera y con esperanzas de ser liberado.
10. Antes de ser detenido, ganaba alrededor de \$280 por semana y era responsable de mantener a mi hija. No tengo el dinero para pagar un abogado.
11. Después de algunas semanas, encontré un abogado que estaba dispuesto a representarme de forma gratuita. Se llama Christine. Christine me estaba ayudando para mi audiencia de fianza y todavía necesitaba encontrar un abogado que me ayudara con mi caso de expulsión.

12. Esperaba ser liberado bajo fianza, luego podría ahorrar dinero y pagar a un abogado para que me ayudara en mi caso de deportación.
13. Antes de hablar con Christine, no conocía el proceso para buscar fianza o lo que necesitaba presentar para ayudarme a salir de la cárcel.
14. El tribunal de inmigración programó una audiencia de fianza para mí el 19 de noviembre de 2019 con el juez Baumgarten. Creo que Christine solicitó que la audiencia se llevara a cabo antes, pero su solicitud fue denegada.
15. Escuché que el juez Baumgarten era muy estricto y no permitió que los abogados o las personas antes de ella hablaran en las audiencias. De las ochenta personas con las que vine, escuché que solo dos fueron liberadas. Creo que ella negó el vínculo con todos ellos.
16. Aunque estoy detenido en Louisiana, me asignaron a un tribunal de inmigración en Batavia, Nueva York. Vi mi audiencia en un video de la cárcel en Richwood.
la
17. Mi abogada Christine trabaja en Washington, D.C. y me dijo que estaría allí por teléfono.
18. Antes de mi audiencia, Christine me dijo que el juez no la dejaría estar allí por teléfono y que tendría otro abogado en la corte en su nombre. Nunca había conocido al otro abogado que apareció por mí en mi audiencia de fianza.
19. Christine me dijo que le había entregado al juez muchas cartas, incluidas cartas de mi propietario durante los últimos 8 años, el maestro de mi hija y mis amigos.
20. En total, mi audiencia de fianza duró aproximadamente 5 minutos. Lo único que el juez me preguntó fue mi nombre.
21. En mi audiencia, el juez Baumgarten negó la fianza. Dijo que porque tuve una audiencia antes y no fui, era un riesgo de fuga. No sé de qué estaba hablando, ya que no recuerdo haber perdido ninguna cita en la corte. Hubiera estado dispuesto a usar un monitor de tobillo, informar a ICE o hacer cualquier otro tipo de programa que me permitiera luchar contra mi caso desde fuera de la cárcel.
22. Después de que se negó la fianza, Christine aceptó ayudarme en mi caso de expulsión. Ella apareció conmigo en la cárcel de Richwood, Louisiana, en mi audiencia de deportación en enero de 2020 y presentó una solicitud de cancelación de deportación.
23. Mi caso de expulsión aún está pendiente.

Disponibilidad para Servir como Representante de la Clase

24. Creo que es injusto que el juez me haya requerido que demuestre que no soy un peligro o un riesgo de fuga, y que ella negó mi solicitud de liberación. Estoy dispuesto a participar en cualquier programa que el Tribunal me pida que haga en lugar de estar en la cárcel. Quiero que esta demanda colectiva me ayude no solo a mí sino también a otras personas que enfrentan situaciones similares.
25. He hablado con un abogado de la Unión de Libertades Civiles de Nueva York sobre lo que significa ser un representante de la clase, y he decidido que quiero asumir ese papel si el Tribunal me lo permite. Quiero hablar por todos a quienes se les niega una oportunidad justa de ser liberados de la detención como yo, y solicito al Tribunal que me permita hablar por ellos.
26. Escribo esta declaración para mostrar mi interés en servir como representante de clase en esta demanda colectiva para representar a las otras personas que enfrentan situaciones similares a las mías. Sé que solicité al Tribunal que me permita representar a otras personas que enfrentan situaciones similares a las mías.
27. Estoy dispuesto a viajar para asistir a cualquier audiencia u otro procedimiento judicial. No importa si gano la libertad de detención durante mi caso de inmigración, gano mi caso de inmigración o pierdo mi caso de inmigración y tengo que salir del país, todavía estaré en esta demanda hasta el final. Estoy feliz de seguir trabajando en ello en el futuro y de ser portavoz de otras personas que enfrentan situaciones similares a la que ahora enfrento.

Esta declaración me fue interpretada en español, un idioma que conozco y entiendo, y afirmo que todo lo que contiene es fiel a mi leal saber y entender.

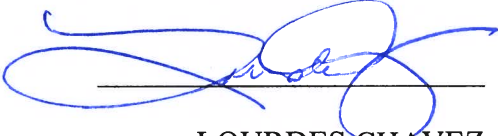
Ejecutado este 10 día de marzo de 2020 en Richwood, LA.

Antonio Lopez Agustin
Antonio Lopez Agustin

CERTIFICATE OF TRANSLATION

I, Lourdes Chavez, affirm, under the penalty of perjury, the truth of the following:

1. I am a paralegal at the New York Civil Liberties Union, 125 Broad Street, 19th Floor,
New York, NY 10004
2. I am fluent in both English and Spanish and competent to translate from English into
Spanish and *vice versa*.
3. I translated the within Declaration of Antonio Lopez Agustin from English into Spanish.
The Spanish translation is a true and correct translation of the English declaration.



LOURDES CHAVEZ

Dated: March 10, 2020
New York, NY

Sworn to before me this
10th Day of March 2020



NOTARY PUBLIC

JESSICA PERRY
NOTARY PUBLIC-STATE OF NEW YORK
No. 02PE6392775
Qualified in Kings County
My Commission Expires 06-03-2023

DECLARATION OF KIMBERLY HUNTER

I, Kimberly Hunter, truthfully declare as follows under penalty of perjury:

1. I am Kimberly Hunter. I operate my immigration practice at 656 Selby Avenue, St. Paul, Minnesota, 55104. My office phone number is 651-641-0440.
2. As pro bono counsel, I traveled from Minnesota to Batavia, New York in November 2019 to cover bond hearings for three other pro bono attorneys with cases in front of Judge Baumgarten. All three attorneys had filed motions to appear telephonically which were not ruled upon. I traveled at the request of Lawyers for Good Government, a nonprofit organization which had placed the bond cases with the attorneys.
3. I have practiced immigration law for nearly 20 years. Detained removal defense has always been a significant part of my practice, and I have represented clients in many different detained courts.
4. In my experience, it is very unusual for a motion for telephonic appearance to not be ruled upon or granted. This is particularly true when appearances are pro bono and limited to bond only, as was the case here. This failure to act upon (and grant) telephonic motions is additionally concerning where, as here, the Respondents are already in a detention location, the IJ is appearing by televideo (from Buffalo), and counsel is compelled to appear in a third location (Batavia). As of the hearing date, those motions to appear by phone were of course moot.
5. On November 19, 2019, I witnessed approximately ten bond hearings (including the three cases I had).
6. It would be difficult to overstate my shock at the standards Judge Baumgarten applied in bond cases and the decisions she issued.
7. One of my cases I presented was that of Antonio Lopez Agustin, who is clearly eligible for non-resident cancellation of removal (COR). He had a 12-year old record of possessing a false identity document for which a warrant was requested, alleging he had fled the jurisdiction. (In fact, he had moved and simply failed to receive a notice during a period of unsupervised probation).

8. The petition for revocation of supervised release was eventually dismissed. Documentation of the misunderstanding – that Mr. Lopez Agustin has not absconded – was included in the supporting documents for bond. Judge Baumgarten nevertheless found this to be evidence that he was a flight risk, despite additional evidence that he has lived in the same community for over ten years and had multiple substantive character references.
9. The judge also found the fact that his minor U.S. citizen daughter could not “confer legal status upon him” was a negative bond factor. If this was in fact the legal standard, few detained non citizens would ever be released with bond.
10. When I asked the court to give my client an EOIR 42B application, the judge informed me that only I-589s are available at that detained court location. I found this both puzzling and frankly galling, as I later watched her deny bond for reasons that included the fact that the Respondent had not submitted a form 42B after months of detention. There, she made a comment along the lines of “failing to submit the form reflects (Respondent’s) lack of commitment to his case” and was therefore a negative bond factor.
11. I witnessed just one hearing wherein she appeared to give serious consideration to granting a bond. In that case, the Respondent presented evidence of owning a home. Nevertheless, rather than issue a ruling, she postponed the bond decision for that Respondent’s next master hearing date, which in 2020 and therefore well after the holiday season.
12. I did not witness the judge giving any consideration to ordering alternatives to detention as a means of mitigating perceived flight risk. Further, though immigration law places the burden of proof upon Respondents to secure bond, I did not see any evidence that the judge deployed the proper preponderance of the evidence standard. She micro-analyzed the supporting evidence, searching for perceived flaws to deploy against Respondents. Based upon the hearings I witnessed, there would be no way a pro se Respondent could secure bond in her courtroom, as she framed questions in such a way to bias Respondents in a game of “gotcha.”
13. In sum, I found that Judge Baumgarten’s conduct and decision making reflected strong bias against Respondents. She demonstrated minimal respect toward defense counsel, and left me with the impression she is making up bond factors on an ad hoc basis in order to find ways to deny cases rather than act as an impartial arbiter.

DECLARANT SAYETH FURTHER NOT.

3/9/2020

Date

Kimberly Hunter

Kimberly Hunter