

HS Law Corp.
Otavio Haverroth Silva, SBN#343486
P.O. Box 90487
San Diego, CA 92169
(510) 241-9336

Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 Dolorosa Street, Suite 300
San Antonio, TX 78207

_____))
In the Matter of))
))
Samara Fernanda da Silva Bueno) **File No. A. 245-961-671**
))
In Removal Proceedings))
))
_____))

Immigration Judge: Tijerina, Eric J.

Next Hearing Date: July 6, 2026, at 1:00 PM

RESPONDENT'S MOTION FOR SUBPOENA

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 Dolorosa Street, Suite 300
San Antonio, TX 78207**

In the Matter of)	
Samara Fernanda da Silva Bueno)	File No. A. 245-961-671
In Removal Proceedings)	

RESPONDENT’S MOTION FOR SUBPOENA

Respondent, through counsel, respectfully moves the Court, pursuant to **8 C.F.R. § 1003.35(b)**, to issue a subpoena compelling the testimony of **Border Patrol Agent (“BPA”) David Orrantia**, the preparer of DHS’s **Form I-213 dated April 9, 2024**, at the next Master Calendar Hearing to be held on July 6, 2026, as well as a subpoena *duces tecum* compelling the production of evidence related to the respective Form I-213 and allegations of removability.

This matter is currently set for a Master Calendar Hearing on **July 6, 2026, at 1:00 p.m.**, which was scheduled with the intent to discuss removability following the denial of Respondent's Motion to Terminate.

DHS has indicated it intends to rely on the I-213 as its key (and effectively sole) evidence to establish removability under INA § 212(a)(6)(A)(i). *See* Department of Homeland Security's Opposition to Respondent’s Motion to Terminate (Reply to Motion). Respondent contests the I-213’s allegations and reliability, and Respondent has already submitted Form I-94/travel history evidence demonstrating a lawful admission on July 1, 2019 (J-1, D/S), directly contradicting the I-213’s entry narrative.

Respondent has previously filed a **Motion in Limine** seeking the total exclusion of the Form I-213 as unreliable and contradicted by official DHS records (Form I-94). However,

in the alternative, should the Court decline to exclude the Form I-213 at this stage, Respondent moves for the issuance of this subpoena. Because the I-213 contains disputed factual allegations and alleged admissions, cross-examination of the preparer is material and necessary to a fair adjudication of removability.

Given the hearing is imminent and the I-213 is DHS's sole evidence, Respondent requests that the Court issue a subpoena for the preparer of Form I-213 or, alternatively, order DHS to provide a service address and produce the witness and foundational evidence.

I. GOOD-FAITH EFFORTS TO OBTAIN VOLUNTARY PRODUCTION AND FOUNDATIONAL MATERIALS

Under 8 C.F.R. § 1003.35(b), an Immigration Judge may issue subpoenas for the attendance of witnesses and presentation of evidence upon a showing that the evidence or testimony is material and that the requesting party has made diligent efforts to obtain it without a subpoena.

On January 19, 2026, Respondent's counsel emailed the Office of the Principal Legal Advisor for San Francisco requesting, among other things:

- Voluntary production of BPA David Orrantia (preparer of the I-213) for testimony and cross-examination;
- A business address for service of subpoena if DHS would not voluntarily produce the agent; and
- Limited foundational materials underlying the I-213 (e.g., sworn statement/notes, interpreter identification, encounter reports).

A true and correct copy of that request is attached as Exhibit 1.

DHS responded with an automatic reply stating, inter alia, that the Duty Attorney is "currently unable to provide pre-filing positions on motions" and instructing counsel to "file your motion(s) with the immigration court, and our office will act accordingly." *See* Exhibit 2. No further answer or communication has been received since.

Given DHS's clear refusal to voluntarily produce the requested evidence and instruction to file a direct request with the Immigration Court, the Respondent has exercised reasonable diligence and

seeks the Court's subpoena authority.

II. MATERIALITY AND NECESSITY OF BPA ORRANTIA'S TESTIMONY

BPA Orrantia's testimony is material because DHS's I-213 is the centerpiece of DHS's removability claim and contains contested assertions that cannot be fairly evaluated without cross-examination, including:

1. Manner/date/place of alleged entry (EWI)

The I-213 alleges Respondent unlawfully entered on or around April 9, 2024 in El Paso, Texas. Respondent's DHS admission record (I-94 / travel history) reflects lawful admission on July 1, 2019 as a J-1 (D/S), and Respondent contests any allegation of a 2024 entry. The preparer's testimony is necessary to determine:

- the factual basis for the "EWI" conclusion, and
- what records were reviewed and how conclusions were reached.

2. Alleged "admissions" attributed to Respondent

The I-213 contains summaries of purported statements and admissions. Respondent contests the accuracy and voluntariness/understanding of those alleged admissions. Cross-examination is necessary regarding:

- what questions were asked and in what language,
- whether statements were verbatim, summarized, or inferred,
- whether any sworn statement (e.g., Form I-877) exists, and
- whether any contemporaneous notes or recordings exist.

3. Language/interpreter reliability

The I-213 asserts Respondent is "fluent in Spanish." Respondent's primary language is Portuguese and Respondent disputes the use of a Spanish interpreter and the implication that Spanish sufficed to ensure comprehension of legal questions or advisals. The preparer's testimony is necessary to establish:

- the language used during questioning,
- whether an interpreter was used and who it was, and
- whether the Respondent understood and adopted the statements attributed to her.

Because these issues go directly to whether DHS can meet its burden of proving removability by the required standard, BPA Orrantia's testimony is foundational to the establishment of removability.

III. REQUESTED SUBPOENA SCOPE

Respondent requests a subpoena compelling:

A. Testimony

Appearance of **BPA David Orrantia** at the contested removability hearing for testimony and cross-examination regarding the preparation, basis, and reliability of the Form I-213 dated April 10, 2024.

B. Limited documents

Production of narrowly tailored materials directly underlying the I-213, to the extent they exist and are within the agent's custody and control, such as:

- any sworn statement or officer notes memorializing Respondent's alleged statements and used to substantiate the I-213,
- identification of any interpreter used and any language advisal documentation, and
- any encounter or checkpoint reports associated with the April 9, 2024 stop referenced in the I-213.

IV. CONCLUSION

Respondent has acted diligently to obtain voluntary production and foundational materials. BPA Orrantia's testimony is material and necessary to test the reliability of DHS's principal evidence and to ensure a fundamentally fair hearing on removability.

Respondent therefore respectfully requests that the Court **grant this motion and issue a subpoena returnable at the July 6, 2026 Master Calendar Hearing**, commanding BPA David Orrantia to **appear at the hearing and to produce the following documents:**

1. The complete administrative file and all contemporaneous notes (handwritten or electronic) created during or immediately following the encounter with Respondent on or about April 9, 2024;

2. The original or a certified copy of Form I-877 (Record of Sworn Statement) or any other signed statement memorializing the alleged admissions attributed to the Respondent in the Form I-213;
3. All records identifying the interpreter used during the encounter, including the interpreter's name, certification/ID number, and the specific language(s) interpreted;
4. All documentation of language advisals provided to the Respondent, specifically those indicating the language in which they were read or provided;
5. The official Checkpoint/Encounter Report associated with the April 9, 2024, stop, including any data indicating the specific geographic location and nature of the stop (e.g., fixed checkpoint, roving patrol).

In the alternative, Respondent requests the Court to **order DHS to provide a business service address** for BPA Orrantia (or accept service on his behalf) to enable prompt service, and **order DHS to produce BPA Orrantia voluntarily** at the July 6, 2026 hearing or at a continued hearing date if DHS requires additional time to secure the witness's appearance.

Respectfully submitted,



Otavio Haverroth Silva (Bar N.343486)

Attorney at Law

P.O. Box 90487

San Diego, CA 92169

(510) 241-9336

Counsel for Respondent

Exhibit list

Exhibits:

Pages:

Exhibit 1

Request for Witness Production and Evidence
Exchange

1-2

Exhibit 2

DHS OPLA's Response to Respondent's Request

3-4

Exhibit 1



Carolina Piazza da Silva <carolina@yousalaw.com>

Request for Witness Production and Evidence Exchange (MCH 01/29, 10:30 AM, A# 245-961-671)

1 mensagem

Otavio Silva <otavio@legalhs.com>
Para: SFR.DutyAttorney@ice.dhs.gov
Cco: carolina@yousalaw.com

19 de janeiro de 2026 às 16:42

Dear Chief Counsel,

I represent the Respondent, Samara Fernanda da Silva Bueno (Alien-Number 245-961-671), in the above-referenced removal proceedings, scheduled for a Master Hearing on January 29, at 10:30 AM, before the San Francisco Immigration Court.

As you are aware, the Department is currently relying on Form I-213 (dated 04/10/2024) to establish removability under INA § 212(a)(6)(A)(i). Respondent has submitted evidence, including a Form I-94 and travel history, showing a lawful admission on July 1, 2019, as a J-1 nonimmigrant. Respondent denies the factual allegations of a 2024 entry and contests the accuracy and reliability of the narrative and alleged admissions contained in the I-213.

In preparation for the contested removability hearing, I am writing to request the following:

1. **Witness Production:** Please confirm whether DHS will voluntarily produce the preparer of the I-213, **BPA David Orrantia**, for testimony and cross-examination at the upcoming hearing. If DHS does not intend to produce the agent voluntarily, please provide a business address for service of a subpoena.
2. **Underlying Evidence:** Please provide copies of any underlying materials used to generate the I-213 narrative, including but not limited to:
 - o Any record of sworn statement or officer notes used to substantiate the I-213;
 - o Any checkpoint or encounter reports associated with the April 9, 2024, stop;
 - o Identification of any interpreter used during the encounter and any forms documenting language advisals.
3. **Stipulation:** Given the documentary evidence of Respondent's 2019 admission and continuous presence, please let me know if DHS is willing to stipulate that the charge of inadmissibility under INA § 212(a)(6)(A)(i) cannot be sustained on the current record.

I look forward to your response so that we may inform the Court of the status of these matters at the upcoming Master Calendar hearing.

Sincerely,

The logo for H|S, consisting of the letters "H" and "S" in a stylized, serif font, separated by a vertical bar.

OTAVIO HAVERROTH SILVA
Attorney at Law
+1 (510) 241-9336
www.legalhs.com



Carolina Piazza da Silva <carolina@yousalaw.com>

Request for Witness Production and Evidence Exchange (MCH 01/29, 10:30 AM, A# 245-961-671)

1 mensagem

Otavio Silva <otavio@legalhs.com>
Para: SF-OPLA-Service@ice.dhs.gov
Cco: carolina@yousalaw.com

19 de janeiro de 2026 às 16:42

Dear Chief Counsel,

I represent the Respondent, Samara Fernanda da Silva Bueno (Alien-Number 245-961-671), in the above-referenced removal proceedings, scheduled for a Master Hearing on January 29, at 10:30 AM, before the San Francisco Immigration Court.

As you are aware, the Department is currently relying on Form I-213 (dated 04/10/2024) to establish removability under INA § 212(a)(6)(A)(i). Respondent has submitted evidence, including a Form I-94 and travel history, showing a lawful admission on July 1, 2019, as a J-1 nonimmigrant. Respondent denies the factual allegations of a 2024 entry and contests the accuracy and reliability of the narrative and alleged admissions contained in the I-213.

In preparation for the contested removability hearing, I am writing to request the following:

1. **Witness Production:** Please confirm whether DHS will voluntarily produce the preparer of the I-213, **BPA David Orrantia**, for testimony and cross-examination at the upcoming hearing. If DHS does not intend to produce the agent voluntarily, please provide a business address for service of a subpoena.
2. **Underlying Evidence:** Please provide copies of any underlying materials used to generate the I-213 narrative, including but not limited to:
 - o Any record of sworn statement or officer notes used to substantiate the I-213;
 - o Any checkpoint or encounter reports associated with the April 9, 2024, stop;
 - o Identification of any interpreter used during the encounter and any forms documenting language advisals.
3. **Stipulation:** Given the documentary evidence of Respondent's 2019 admission and continuous presence, please let me know if DHS is willing to stipulate that the charge of inadmissibility under INA § 212(a)(6)(A)(i) cannot be sustained on the current record.

I look forward to your response so that we may inform the Court of the status of these matters at the upcoming Master Calendar hearing.

Sincerely,

The logo for H|S, consisting of the letters "H" and "S" in a stylized, serif font, separated by a vertical bar.

OTAVIO HAVERROTH SILVA
Attorney at Law
+1 (510) 241-9336
www.legalhs.com

Exhibit 2



Carolina Piazza da Silva <carolina@yousalaw.com>

Fwd: Automatic reply: Request for Witness Production and Evidence Exchange (MCH 01/29, 10:30 AM, A# 245-961-671)

1 mensagem

Otavio Silva <otavio@legalhs.com>

20 de janeiro de 2026 às 10:11

Para: Carolina Piazza da Silva <carolina@yousalaw.com>, ananda@yousalaw.com



OTAVIO HAVERROTH SILVA
Attorney at Law
+1 (510) 241-9336
www.legalhs.com

----- Forwarded message -----

From: **SFR Duty Attorney** <SFR.DutyAttorney@ice.dhs.gov>

Date: Mon, Jan 19, 2026 at 4:42 PM

Subject: Automatic reply: Request for Witness Production and Evidence Exchange (MCH 01/29, 10:30 AM, A# 245-961-671)

To: Otavio Silva <otavio@legalhs.com>***** PLEASE READ THE UPDATED MESSAGE BELOW. *****

Due to OPLA San Francisco's severe resource shortage, the extraordinary volume of incoming requests and inquiries, and the ever-increasing immigration court backlog, our office has had to reduce the scope of inquiry to which our Duty Attorney responds. Please be on notice that:

1. The OPLA San Francisco PD mailboxes are no longer being monitored.
2. For requests related to the *Ms. L* settlement agreement, please email: OPLA-SFR-MsL@ice.dhs.gov.
3. The OPLA San Francisco Duty Attorney is currently unable to provide pre-filing positions on motions. Please file your motion(s) with the immigration court, and our office will act accordingly.
4. The OPLA San Francisco Duty Attorney is currently unable to respond to requests seeking confirmation of biometrics. Please seek confirmation of biometrics directly from your client. We also recommend that respondents request scheduling appointments for biometrics immediately upon turning age fourteen.
5. OPLA San Francisco endeavors to respond to requests and inquiries as soon as practicable. That being said, we are generally focusing our limited resources on cases on the active docket with upcoming hearings.

We thank you for your cooperation and understanding.

*****Limited Data Security Waiver*****

Those engaging in email exchange with U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) mailboxes acknowledge and agree to a limited waiver of data security that shall only attach to the electronic service and transmittal of documents that may contain sensitive personally identifiable information (SPII). Senders to the email addresses should be aware that ICE cannot ensure that information transmitted outside of the DHS network will remain secure during transmission. This waiver applies to both your receipt of information transmitted by ICE and the transmission of information from you to ICE. Please also be advised that (1) from the time information leaves the DHS network until receipt by your email system and (2) during the time that information is being transmitted by your email system to the DHS network, the information contained within the email, including but not limited to SPII, is not necessarily secure against interception. You are strongly encouraged to encrypt any documents containing SPII prior to sending it to ICE via email and to send passwords under separate email. By participating in use of the ICE mailboxes, you expressly agree to assume the risk that SPII may be intercepted during transmission to or from the DHS network and, as a result, be obtained by or disclosed to third parties.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 Dolorosa Street, Suite 300
San Antonio, TX 78207**

SUBPOENA

In the Matter of: Samara Fernanda da Silva Bueno, File No. A. 245-961-671

To: Border Patrol Agent David Orrantia

U.S. Customs and Border Protection

Address: _____

Date: _____

Pursuant to 8 C.F.R. § 1003.35(b), you are hereby commanded to appear before Immigration Judge Frank A. Seminerio at the San Antonio Immigration Court, located at 800 Dolorosa Street, Suite 300, San Antonio, TX 78207, on July 6, 2026, at 1:00 PM, to give testimony in connection with the removal proceedings being conducted under the authority of the Immigration and Nationality Act, relating to Samara Fernanda da Silva Bueno, concerning the Form I-213 prepared for her case and dated April 9, 2024.

You are further commanded to bring with you the following items:

1. The complete administrative file and all contemporaneous notes (handwritten or electronic) created during or immediately following the encounter with Respondent on or about April 9, 2024;

2. The original or a certified copy of Form I-877 (Record of Sworn Statement) or any other signed statement memorializing the alleged admissions attributed to the Respondent in the Form I-213;
3. All records identifying the interpreter used during the encounter, including the interpreter's name, certification/ID number, and the specific language(s) interpreted;
4. All documentation of language advisals provided to the Respondent, specifically those indicating the language in which they were read or provided;
5. The official Checkpoint/Encounter Report associated with the April 9, 2024, stop, including any data indicating the specific geographic location and nature of the stop.

Eric J. Tijerina

Immigration Judge

RETURN ON SERVICE OF SUBPOENA

I hereby certify that on the _____ day of _____, 20____, I served the above subpoena on the witness named above by _____.

(Name)

(Title)

Proof of Service

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

RESPONDENT’S MOTION FOR SUBPOENA

To the following:

Office Location:	Mailing Address:
Office of the Principal Legal Advisor Department of Homeland Security 1015 Jackson-Keller Road, Suite 100 San Antonio, TX 78213	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel 1015 Jackson-Keller Road, Suite 100 San Antonio, TX 78213

by:

- Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



Otavio Silva (Bar N. 343486)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
Counsel for Respondent