

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LILIAN PAHOLA CALDERON JIMENEZ,
and LUIS GORDILLO, *et al.*,

Individually and on behalf of all others
similarly situated,

Plaintiffs-Petitioners,

v.

MARKWAYNE MULLIN, *et al.*,

Defendants-Respondents.

No. 18-cv-10225-PBS

**DECLARATION OF
SUSAN ROTHWELL
IN SUPPORT OF PETITIONERS'
MOTION TO ENFORCE THE
SETTLEMENT AGREEMENT**

I, Susan Rothwell, declare as follows:

1. I am an attorney with Esperanza Attorneys at Law in New Haven, Connecticut. I am over the age of eighteen and have personal knowledge of the facts set forth in this Declaration. If called as a witness, I could and would competently testify thereto. I submit this Declaration in support of Petitioners' Motion to Enforce the Settlement Agreement.

2. I represent Victor Alexander Granda Jimenez in connection with immigration law matters. Mr. Granda Jimenez is a *Calderon* class member who resides in Connecticut. He is a citizen of Ecuador and has been continuously present in the United States since February 2014, when he entered the country as a juvenile at the age of twelve, under the care of his mother.

3. On February 26, 2014, U.S. Customs and Border Protection issued Mr. Granda Jimenez an expedited order of removal pursuant to 8 U.S.C. § 1225(b)(1). He has never departed the United States under that order. Attached as Exhibit A is a true and correct copy of Mr. Granda Jimenez's expedited order of removal dated February 26, 2014, with the names of the immigration officers who signed the order and Mr. Granda Jimenez's alien number redacted.

4. Since arriving in the United States, Mr. Granda Jimenez has grown up in Connecticut. After graduating from high school, he has worked full-time in a family construction business owned by his father.

5. In 2020, Mr. Granda Jimenez met his U.S. citizen spouse, Ainoa Nerea Chiriboga Espinoza. The couple married later that year.

6. Mr. Granda Jimenez's wife is a United States citizen and serves in the Army National Guard. She is currently stationed at Fort Leonard Wood, located in Fort Leonard Wood, Missouri. She is expected to return from Fort Leonard Wood later this month. Upon her return, the couple will resume living together, and Ms. Chiriboga Espinoza will begin work as a military police officer for the United States Army in Mystic, Connecticut.

7. Mr. Granda Jimenez provides ongoing support to his wife during her military training and service. He regularly sends her cash and other goods, including medicine to help address physical pain she has been experiencing during training, and they speak by telephone every Sunday. Throughout the time Ms. Chiriboga Espinoza has been in training, Mr. Granda Jimenez has paid, and continues to pay, their principal household expenses, including rent, car insurance, and cellular telephone service.

8. Mr. Granda Jimenez also assists in caring for and supporting his father, Victor Hugo Granda Roman. Mr. Granda Roman has been diagnosed with colon cancer. He is awaiting an appointment with a surgeon to determine whether surgical removal of his colon is possible or necessary. Mr. Granda Jimenez has accompanied his father to several medical appointments to provide support.

9. Mr. Granda Jimenez and his father have a very close relationship. They live approximately 10 minutes from one another, and they work together five days per week at Mr.

Granda Roman's construction company, where Mr. Granda Jimenez is employed. Mr. Granda Jimenez also visits his father every weekend and has dinner with him at least twice per week. They provide mutual emotional support: Mr. Granda Roman speaks with his son about the cancer diagnosis and the uncertainty surrounding possible surgery, while Mr. Granda Jimenez speaks with his father as he processes the temporary separation from his wife.

10. Mr. Granda Jimenez has no criminal record.

11. Mr. Granda Jimenez seeks lawful permanent resident status through marriage to his U.S. citizen spouse. His expedited removal order significantly impedes his ability to pursue lawful status.

12. On April 28, 2026, on Mr. Granda Jimenez's behalf, I submitted a request to ICE OPLA seeking joinder in a motion to reopen and dismiss his expedited removal order pursuant to the *Calderon* Settlement Agreement. The request included a cover letter from me, in which I explain why Mr. Granda Jimenez should be entitled to relief under Section II of the *Calderon* Settlement Agreement notwithstanding his expedited order of removal. The request also included supporting documents, including a copy of Mr. Granda Jimenez's Form I-130 that was submitted to U.S. Citizenship and Immigration Services ("USCIS"), evidence of Mr. Granda Jimenez's marriage to his U.S. citizen wife, evidence of Mr. Granda Jimenez's residency in Connecticut, and a copy of a fully completed Form I-485 Application for Adjustment of Status demonstrating his *prima facie* eligibility to adjust status, as required by Section II of the *Calderon* Settlement Agreement.

13. On or about June 17, 2026, ICE OPLA Counsel Doyeon Kim sent me an e-mail indicating that OPLA was rejecting Mr. Granda Jimenez's request, stating that the request "does not comply with the terms of the *Calderon* settlement agreement."

14. Attached as Exhibit B is a true and correct copy of the e-mail chain in which I submitted a request to ICE OPLA on April 28, 2026 asking that it join in Mr. Granda Jimenez's motion to reopen and dismiss his expedited removal order, and in which OPLA Counsel Kim responded rejecting Mr. Granda Jimenez's request on June 17, 2026. Mr. Granda Jimenez's alien number has been redacted.

15. I declare under penalty of perjury that, to the best of my knowledge and belief, the facts set forth above are true and correct.

Executed this 14th day of August, 2026 in Fairfield, Connecticut.

/s/ Susan Rothwell, Esq.

Susan Rothwell, Esq.
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251 Edwards Street
New Haven, CT 06511
Mobile: (203) 216-0667
Office: (203) 290-4500
Facsimile: (203) 290-4503

EXHIBIT A

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: DGL1402000633

File No: [REDACTED]

Date: February 26, 2014

In the Matter of: VICTOR GRANDA-JIMENEZ

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1. You are not a citizen or national of the United States;
2. You are a native of ECUADOR and a citizen of ECUADOR ;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

[REDACTED]
BORDER PATROL AGENT

Name and title of immigration officer (Print)

[REDACTED]
Signature of immigration officerORDER OF REMOVAL
UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

[REDACTED]
BORDER PATROL AGENT

Name and title of immigration officer (Print)

[REDACTED]
Signature of immigration officer[REDACTED]
ACTING PATROL AGENT IN CHARGE

Name and title of supervisor (Print)

Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on [REDACTED]

(Date) 2-26-14

EXHIBIT B

From: [Calderon-JMTR-Requests](#).
To: [SUSAN ROTHWELL](#)
Subject: RE: Victor Alexander Granda Jimenez, A [REDACTED], Request for JMTR

Good morning,

Your request to join in a motion to reopen and dismiss has been rejected, as it does not comply with the terms of the *Calderon* settlement agreement. You may submit a new request that does comply with the settlement's terms, if you so choose.

Thank you,

Doyeon Kim
Counsel
Northeast Region
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Hyattsville, MD
443-560-0600

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From: Susan Rothwell <susan@esperanzalaw.com>
Sent: Tuesday, April 28, 2026 9:32 PM
To: Calderon-JMTR-Requests, <calderon-jmtr-requests@ice.dhs.gov>
Subject: Victor Alexander Granda Jimenez, A [REDACTED], Request for JMTR

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To ICE OPLA:

Please find attached a complete request for a joint motion to reopen and dismiss removal proceedings against my client, Victor Alexander Granda Jimenez, A [REDACTED], pursuant to the settlement agreement in *Calderon Jimenez, et al. v. Mullin, et al.* This request was submitted earlier today, but I did not receive the automated email confirmation of receipt and believe I may have mis-typed the email address.

Thank you for your attention to this matter.

Best,

Susan Rothwell

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