

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

December 16, 2025

Nathan Ochsner, Clerk of Court

United States of America

v.

Eduardo Aguilera-Gallardo

Case No.

4:25-mj-757

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 21st, 2025 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326 (a)

a native and citizen of Mexico, and an alien who had been previously deported from the United States, was found unlawfully in the United States at Houston, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

☒ Continued on the attached sheet.
Complainant's signature

Daniel I, Chagoya, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 12/16/2025
Judge's signatureCity and state: Houston, Texas

Hon. Yvonne Y. Ho, United States Magistrate Judge

Printed name and title

4:25-mj-757

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daniel I, Chagoya, being duly sworn telephonically, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since November 9, 2008. My law enforcement career began September 18, 2005, as a Customs and Border Protection Officer. I held this position until transferring to Immigration and Customs Enforcement as a Deportation Officer. I currently have over 17 years of immigration law enforcement experience.

(2) On April 4th, 2025, Immigration and Customs Enforcement (ICE) encountered Eduardo Aguilera-Gallardo (Defendant) during his incarceration at the Harris County Jail in Houston, Texas and subsequently issued a detainer. On December 12th, 2025, he was transferred to the custody of ICE.

(3) On December 15th, 2025, at approximately 08:00 a.m., he was identified as eligible for prosecution for violation of 8 U.S.C. 1326 (a).

(4) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously deported and convicted.

(5) On February 22nd, 2001, the Defendant was admitted to the United States as a Lawful Permanent Resident (LPR) under the FX7 category as the spouse an LPR. On October 28th, 2022, an Immigration Judge Ordered the Defendant removed to Mexico. The Defendant appealed the Judge’s decision to Board of Immigration Appeals (BIA), and on July 18th, 2024, the BIA dismissed his appeal, thereby upholding the removal order.

(6) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a).

(7) Element One: The Defendant is a citizen and national of Mexico and not a native, citizen or national of the United States.

(8) Element Two: The Defendant has previously been deported or removed from the United States on the following occasions:

1. Removed 03/25/2025

(9) Element Three: After deportation, the Defendant was subsequently found in the United States on April 21st, 2025, in Harris County, which is within the Houston Division of the Southern District of Texas. Additionally, I consulted with ICE's Law Enforcement Support Center ("LESC") to determine whether, in the past five years, and after the Defendant's last deportation, the Defendant had been encountered by law enforcement prior to the date specified earlier in the paragraph. On December 16th, 2025, LESC advised me that it had no record on such encounter.

(10) Element Four: The Defendant did not have permission to reenter the United States. On December 15th, 2025, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(11) Prior Criminal History: The Defendant has the following prior criminal history:

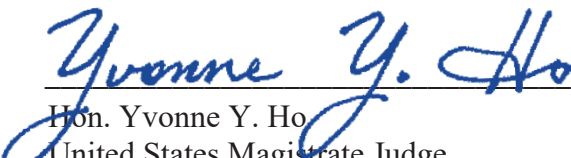
- a) On December 3rd, 2025, the Defendant was convicted in the 228th District Court in Harris County, Texas for the felony offense of THEFT <=2500<30,000 and sentenced to 7 months in State Prison (TDCJ). Case#191269601010.
- b) On April 18th, 2025, the Defendant was arrested by the Harris County Constable Office Pct 4 for the offenses of FAIL TO ID AND INTERFERE DUTIES PUBLIC SERVANT. On May 6th, 2025, the cases were dismissed.
- c) On March 21st, 2025, the Defendant was arrested by Harris County Sheriff's Office for the offense of EVADING ARREST DETENTION W/VEHICLE. On December 3rd, 2025, the case was dismissed as consideration for a plea agreement in Cause # 191269601010.
- d) On August 21st, 2024, the Defendant was convicted in the 230th District Court in Harris County, TX for the felony offense THEFT MAT ALUM/BRNZ/COPPR/BRASS and sentenced to 9 months state prison (TDCJ). Case# 184960501010.
- e) On December 27th, 2023, the Defendant was arrested for the offense of EVADING ARREST DETENTION W/ VEHICLE. On August 21st the case was dismissed because the Defendant was convicted in Case # 184960501010.

- f) On June 21st, 2022, the Defendant was convicted in the 182nd District Court in Harris County, TX for the offense POSSESSION OF METHAMPHETAMINE PG 3 < 28 GRAMS and sentenced to 3 days county jail.
- g) On June 21st, 2022, the Defendant was convicted in the 182nd District Court in Harris County, TX for the offense THEFT >= 750 < 2500 and sentenced to 1 year county jail. Case # 1700163010.
- h) On January 26th, 2021, the Defendant was arrested by Harris County Sheriff's for the offense of AGGRAVATED ROBBERY. On June 21st, 2022, the case was dismissed because the Defendant was convicted on case # 1700163010
- i) On July 10th, 2012, the Defendant was convicted in the County Criminal Court at Law # 3, in Harris County, TX for the offense of RECKLESS DRIVING and sentenced to 2 days in county jail.
- j) On June 17th, 2010, the Defendant was convicted in the County Criminal Court at Law # 8, in Harris County, TX for the offense of DISORDERLY CONDUCT and sentenced to time already served.
- k) On October 4th, 2007, the Defendant was convicted in the 262nd District Court at Harris County, TX for the offense of POSSESSION OF CONTROLLED SUBSTANCE, TO WIT: COCAINE < 1 GRAM, and sentenced to 3 years deferred adjudication.

(12) On December 16th, 2025, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning the criminal complaint. On or about that day, Assistant U.S. Attorney Brooke Fuselier (832)-492-2493 accepted this case for prosecution for violation of 8 U.S.C. § 1326(a).


Daniel I. Chagoya, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Sworn to me telephonically on 16th day of December 2025, and I find probable cause.


Hon. Yvonne Y. Ho
United States Magistrate Judge
Southern District of Texas