

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Iowa

United States of America

v.

Ian Andre Roberts

Case No. 4:25-mj-630

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 September 26, 2025 in the county of Polk in the
Southern District of Iowa, the defendant(s) violated:

Code Section

Offense Description

18 USC §§ 922(g)(5), 924(a)(8) Illegal alien in possession of firearms

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

☒ Sworn to before me and signed in my presence.

☐ Sworn to before me by telephone or other
reliable electronic means.

Date: 10/1/25

City and state: Des Moines, Iowa



Complainant's signature

Robert Carlson, Special Agent, ATF

Printed name and title



Judge's signature

Helen C. Adams, U.S. Magistrate Judge

Printed name and title



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By: Clerk's Office, Southern District of Iowa

2:55 pm, Oct 01 2025


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in the course of my career with ATF. I have conducted and participated in numerous controlled buys of firearms and controlled substances from targets of law enforcement techniques.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that Ian Andre ROBERTS (ROBERTS) has committed a violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8) (illegal alien in possession of firearms).

PROBABLE CAUSE

4. Pursuant to Title 18, United States Code, Section 922(g)(5), I know that it is unlawful for an illegal alien to possess a firearm or ammunition. An alien is a person who is not a citizen or national of the United States. 8 U.S.C. § 1101(a)(3). More specifically, Section 922(g)(5) applies to aliens who either are illegally or unlawfully in the United States or have been admitted under a nonimmigration visa (and to whom § 922(y)(2) does not apply, which exempts a subset of nonimmigration aliens, including officials of foreign governments). Title 8, United States Code, Section 1101(a)(15) designates various classes of nonimmigration aliens who are ~~be~~ prohibited possessors. 

5. ROBERTS' immigration case file states ROBERTS is a citizen of Guyana. ROBERTS entered the United States in March 1999 on an F-1 student visa that expired on March 7, 2004.

6. In May 2001, May 2018, June 2018, and July 2018, ROBERTS filed an Application to Register Permanent Residence or Adjust Status (Form I-485). The United States Citizenship and Immigration Services rejected these applications. In addition, in July 2018, ROBERTS applied for and, in January 2020, was denied an adjustment of status (Form I-485) based on his marriage to a United States citizen because ROBERTS failed to respond to a request for additional information.

7. From December 18, 2018 to December 18, 2019, and December 3, 2019 to December 18, 2020, ROBERTS had lawful employment authorization. Since December 18, 2020, ROBERTS has not had lawful employment authorization.

8. According to immigration records, ROBERTS was ordered removed from the United States in absentia on May 22, 2024. Attachment 1. On April 30, 2025, an immigration judge denied ROBERTS' motion to reopen the proceedings, finding ROBERTS had failed to demonstrate that he did not receive notice of the May 22, 2024 hearing. Attachment 4. ROBERTS was represented by counsel. *Id.* Thus, on September 26, 2025, ROBERTS had a valid and final order of removal and was an individual illegally and unlawfully in the United States.

9. On September 30, 2025, the United States Attorney's Office received a letter. The letter, dated March 27, 2025, was addressed to ROBERTS at an address in Little Elm, Texas from the Texas attorney who represented ROBERTS for, at least,

his motion to reopen the proceedings. *See* Attachment 3. The letter was also provided to media entities at a press conference held on September 30, 2025.

10. According to immigration court records, the Texas attorney filed a motion to withdraw as ROBERTS attorney in January 2025, after filing the motion to reopen. In support of the motion to withdraw, the Texas attorney provided a letter sent to ROBERTS in November 2024 citing an unpaid legal bill, to the same Little Elm, Texas address as the March 27, 2025 letter, *see* Attachment 2, and the same address as paperwork located in his Des Moines residence on September 26, 2024, *see* Paragraph 26. The attorney's motion to withdraw was denied as moot, following the April 30, 2025 decision denying ROBERTS' motion to reopen.

11. The March 27, 2025 letter to ROBERTS pre-dates the disposition of ROBERTS' motion to reopen, so there was no resolution when the letter was sent. Even if the motion to reopen was "successful" that would have not granted ROBERTS lawful immigration status. ROBERTS was not issued and did not receive any documents granting him relief or protection from removal. ROBERTS did not apply for or receive employment authorization, which he had done in the past. Furthermore, the decision denying his motion to reopen was thereafter issued and mailed to his Texas immigration attorney.

12. In the evening of September 30, 2025, your Affiant contacted and spoke with ROBERTS' Texas immigration attorney, Jackeline Gonzalez. As to the March 27, 2025 letter, Gonzalez stated the letter was to inform ROBERTS that the immigration case with Gonzalez's office was being closed. Gonzalez added that the

letter was not intended to convey to ROBERTS his immigration case with the Immigration Court was completed but rather it was being closed in her office. Gonzalez declined to provide information about her communication with ROBERTS concerning the April 30, 2025 denial of the motion to reopen.

13. Therefore, ROBERTS is illegally and unlawfully in the United States and is not otherwise exempted from the prohibitions of Section 922(g)(5).

September 26, 2025 encounter

14. In the morning of September 26, 2025, officers with Immigration and Customs Enforcement (ICE) performed surveillance at ROBERTS's residence located in the [REDACTED] in Des Moines, within the Southern District of Iowa. At that time, ICE officers were aware that ROBERTS was illegally and unlawfully present in the United States.

15. ICE officers saw a white Jeep Cherokee with Iowa official tags affixed leave ROBERTS' residence driven by a male, who was consistent in appearance with ROBERTS, based on photographs within ROBERTS' immigration case file. ICE officers followed the Jeep Cherokee, which drove at a high rate of speed northbound on Indianola Avenue. The Jeep Cherokee turned into the mobile home park. ICE officers located the Jeep Cherokee stopped inside the trailer park. ICE officers, dressed in tactical vests with high visibility ICE markings, approached the Jeep Cherokee on foot. The Jeep Cherokee drove away. After a brief search, the Jeep Cherokee was found abandoned in the grass near the 1800 block of Swan Lake Circle.

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16. Law enforcement officers with the Iowa State Patrol along with a certified patrol canine were called to help locate ROBERTS. After a search of the area, ROBERTS was located in the brush approximately 200 yards south of where the Jeep Cherokee was abandoned. ROBERTS was taken into ICE custody.

17. ICE officers observed ROBERTS' appearance as consistent with known photographs of ROBERTS. Further, ROBERTS' identity was confirmed through fingerprint analysis.

18. An ICE officer remained with the Jeep Cherokee until a Supervisory Public Safety Specialist with the Des Moines Public Schools arrived to take possession of the Jeep Cherokee. The Supervisory Public Safety Specialist located a firearm wrapped in a towel under the driver's seat, as pictured below:



19. The firearm was later fully identified as a Glock, Model 19, nine-millimeter pistol, with serial number BKZU214. The firearm was chambered and loaded with Federal Cartridge (FC) nine-millimeter Luger ammunition and was affixed with a red dot optic and a pistol light. The firearm was seized by ICE and later transferred to ATF custody.

20. Firearms that are recovered by law enforcement during their official duties are routinely traced through the ATF as part of their investigations. The tracing data provides investigators with information about who first purchased the firearm, where it was purchased, where and when it was recovered, and whether multiple firearms were purchased at the same time. An emergency trace for the firearm seized on September 26, 2025, was submitted and revealed that it was purchased by [REDACTED] Roberts, on October 4, 2019, at a federal firearms licensee in North Little Rock, Arkansas. [REDACTED] Roberts is believed to be ROBERTS' spouse according to law enforcement databases.

21. ROBERTS' passport from Guyana was also located within a wallet found next to the firearm. According to the passport, it was renewed in April 2024 and expires in April 2029.

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September 26, 2025 search warrant

22. On September 26, 2025, law enforcement executed a federal search warrant at ROBERTS' residence in the [REDACTED] in Des Moines. Inside the residence law enforcement located the following three firearms:

- a. a loaded and chambered Sig Sauer, Model P320, nine-millimeter pistol, with serial number 58A131036, located underneath the seat cushion in a chair in the living room, as pictured below;

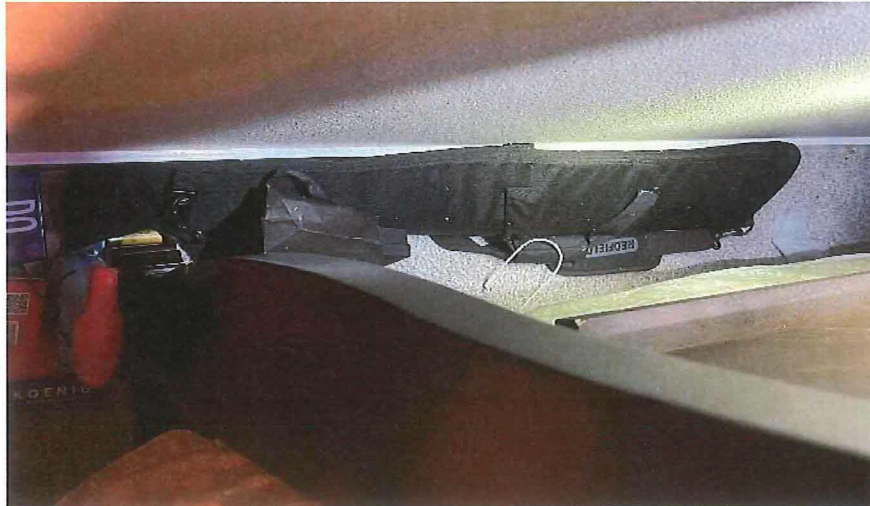


- b. a loaded Remington, Model 783, .270 WIN caliber rifle, with serial number RM56791F, located in the master bedroom closet in a case, as pictured below; and



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- c. a Remington, Model 870, 20-gauge shotgun, with serial number AB762485U, located behind the master bedroom headboard in a case, as pictured below.



23. Also located in ROBERTS' residence were multiple firearm magazines to include Glock nine-millimeter magazines, assorted ammunition in various calibers to include numerous FC nine-millimeter ammunition, a book titled "Concealed Carry and Home Defense Fundamentals", and packaging for a Streamlight pistol flashlight. The pistol flashlight affixed to the Glock, Model 19, nine-millimeter pistol that was located in the Jeep Cherokee was a Streamlight pistol flashlight.

24. Both the Glock, Model 19, nine-millimeter pistol (seized by ICE) and the Sig Sauer, Model P320, nine-millimeter (recovered during the search warrant) contained FC nine-millimeter ammunition and similar red dot optics.

25. Two firearm declaration tags were also found at ROBERTS' residence, issued by Southwest Airlines:

- a. The first declaration documents a firearm belonging to "Ian Roberts" at an address in "Erie, PA," with a travel date of April 14, 2022. This declaration was affixed to the outside of a

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firearms case containing identifying information for Sig Sauer, Model P320, nine-millimeter pistol described above.

- b. The second declaration documents a firearm belonging to “Ian Roberts” at the address in the [REDACTED] in Des Moines, with a travel date of January 28, 2024. This declaration was within the case for the Remington, Model 783 .270 WIN caliber rifle described above.

26. In a Ford Mustang¹ parked in the garage of ROBERTS’ residence, law enforcement located United States Department of Justice Executive Office for Immigration Review Dallas Immigration Court documents. The immigration documents were located under the floor mat in the back seat behind the driver’s seat. The immigration documents contain a copy of the May 22, 2024, order that ROBERTS be removed from the United States in absentia.

27. Also located within the residence were copies of ROBERTS’ expired passport from Guyana, issued in January 2019 and expired in January 2024, and ROBERTS’ expired employment authorization card, issued in December 2018 and expired in December 2019.

28. The residence appeared to be occupied by a single individual, ROBERTS, and no female clothing was located during the search.

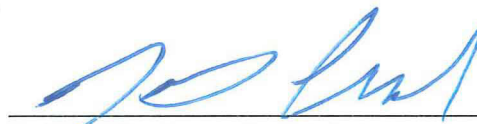
29. The four firearms described in this affidavit were examined by an ATF Interstate Nexus Expert. The examination revealed these firearms had been manufactured outside the state of Iowa and, thus, necessarily crossed a state line before ROBERTS possessed them.

¹ The Ford Mustang had Texas plates [REDACTED] According to law enforcement databases, this vehicle is registered to [REDACTED] with an address in Dallas, Texas.

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CONCLUSION

30. Based on the foregoing information and my training and experience, there is probable cause to believe that Ian Andre ROBERTS possessed firearms as an illegal alien, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).



Robert Carlson, Special Agent
Bureau of Alcohol, Tobacco, Firearms, & Explosives

Subscribed and sworn to before me on this 1st day of October, 2025.



The Honorable Helen C. Adams
United States Magistrate Judge



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
DALLAS IMMIGRATION COURT**

Respondent Name:

ROBERTS, IAN ANDRE

To:

ROBERTS, IAN ANDRE

LITTLE ELM, TX 75068

A-Number:

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

05/22/2024

ORDER OF THE IMMIGRATION JUDGE

Respondent was provided written notification of the time, date, and location of Respondent's removal hearing. INA §§ 239(a)(1), (2). Respondent was also provided a written warning of the consequences under INA § 240(b)(5) that failing to appear at such hearing, other than for exceptional circumstances as defined in INA § 240(e)(1), may result in a hearing held in Respondent's absence and the issuance of an order of removal, provided the Department of Homeland Security (DHS) establishes by clear, unequivocal, and convincing evidence that Respondent is removable and that Respondent or Respondent's representative was provided written notification of the hearing as required under INA § 239(a)(1)-(2). *See* INA § 240(b)(5)(A); 8 C.F.R. § 1003.26.

Despite the written notification provided, Respondent failed to appear at the hearing, and no exceptional circumstances were shown for the failure to appear. INA § 240(e)(1). Therefore, the immigration court conducted the hearing *in absentia* pursuant to INA § 240(b)(5)(A). At this hearing, the immigration court determined that:

- ☐ At a prior hearing, Respondent admitted the factual allegations in the Notice to Appear and conceded removability. The immigration court finds removability established as charged.
- ☒ The DHS submitted documentary evidence relating to Respondent that established the truth of the factual allegations contained in the Notice to Appear. The immigration court finds removability established as charged.
- ☐ The Respondent, in written pleadings, admitted the factual allegations in the Notice to Appear and conceded removability. The immigration court finds removability established as charged.
- ☐ Other/Additional Information

The immigration court further finds that Respondent's failure to appear and proceed with any applications for relief constitutes an abandonment of any pending applications for relief or protection



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By: Clerk's Office, Southern District of Iowa

2:56 pm, Oct 01 2025

from removal and of any applications the respondent may have been eligible to file. Those applications are deemed abandoned and denied for lack of prosecution. *See* 8 C.F.R. § 1003.31(h); *Matter of Perez*, 19 I&N Dec. 433 (BIA 1987); *Matter of R-R*, 20 I&N Dec. 547 (BIA 1992).

ORDER: Respondent shall be removed to Guyana or in the alternative to on the charge(s) contained in the Notice to Appear.

Failure to Depart: If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. *See* INA § 243(a)(1).



Immigration Judge: Thielemann, Christopher 05/22/2024

Certificate of Service

This document was served:

Via: ☐ M] Mail | ☐ P] Personal Service | ☐ E] Electronic Service

To: ☐ M] Noncitizen | ☐ Noncitizen c/o custodial officer | ☐ Noncitizen's atty/rep. | ☐ M] DHS

Respondent Name : ROBERTS, IAN ANDRE | A-Number : [REDACTED]

Riders:

Date: 05/23/2024 By: Alcaine, Salvador, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
DALLAS IMMIGRATION COURT

RECEIVED
MAY 24 2024
TRIAL ATTORNEY

Respondent Name:

ROBERTS, IAN ANDRE

To:

ROBERTS, IAN ANDRE

LITTLE ELM, TX 75068

A-Number:

[REDACTED]

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

05/22/2024

- ☐ Unable to forward - no address provided.
- ☐ Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

- ☒ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

Dallas, TX

- ☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However,

you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA § 242.

- ☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.
- ☐ Other:

Date: 05/22/2024



Immigration Judge: Thielemann, Christopher 05/22/2024

Certificate of Service

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Via: [M] Mail | [P] Personal Service | [E] Electronic Service

To: [M] Noncitizen | [] Noncitizen c/o custodial officer | [] Noncitizen's atty/rep. | [M] DHS

Respondent Name : ROBERTS, IAN ANDRE | A-Number : [REDACTED]

Riders:

Date: 05/23/2024 By: Alcaine, Salvador, Court Staff



Jackeline Gonzalez Attorney at Law PLLC.

November 25, 2024

[REDACTED]
Pasadena, TX 77506

Office Ph# [REDACTED]

Jan Andre Roberts

[REDACTED]
Little Elm, Tx 75068

RE: Outstanding Balance

Mr. Roberts,

Our firm is writing to address the matter of an outstanding balance owed for legal services provided. Despite previous attempts to resolve this matter, the balance remains unpaid.

As of the date of this letter, there is an outstanding Balance (See Below)

OUTSTANDING BALANCE: \$11,790.00

Please be advised that failure to address this matter promptly may result in further action, including legal recourse to recover the balance.

To facilitate prompt resolution, our firm kindly request that you contact the firm within 14 calendar days to discuss payment arrangements.

Should you have any questions or require clarification regarding this matter, please do not hesitate to contact our office, at [REDACTED] or email us at [REDACTED]

Sincerely,

Jackeline Gonzalez Esq.

Attorney/CEO

Jackeline Gonzalez Attorney at Law PLLC.



FILED

By: Clerk's Office, Southern District of Iowa

2:56 pm, Oct 01 2025



**ABOGADA
INMIGRACION**
Jackeline Gonzalez

Jackeline Gonzalez, Esq.

03/27/2025

Pasadena, TX 77506

Ian Andre Roberts

Little Elm, Tx 75068

Re: Closure of Immigration Case

Mr. Ian Andre Roberts

I hope this letter finds you well. I am writing to inform you of the closure of your immigration case. It has been my pleasure to represent you throughout this process, and I am pleased to report that your case has reached a successful resolution.

Should you have any further questions or require assistance in the future, please do not hesitate to reach out.

Once again, thank you for choosing Jackeline Gonzalez, Attorney at Law, PLLC for your immigration representation. I wish you continued success and happiness in all your endeavors.

If you have any questions or concerns, please feel free to contact me at [REDACTED] or [REDACTED]

Respectfully,

Jackeline Gonzalez, Esq.

Founding Partner

Jackeline Gonzalez Attorney at Law, PLLC





UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
DALLAS IMMIGRATION COURT

Respondent Name:

ROBERTS, IAN ANDRE

To:

Gonzalez, Jackeline

PASADENA, TX 77506

A-Number:

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

04/24/2025

ORDER OF THE IMMIGRATION JUDGE

Respondent was ordered removed from the United States *in absentia* on 05/22/2024

☒ Respondent ☐ the Department of Homeland Security has now filed a motion to reopen these proceedings.

Upon reading and considering the motion, and any opposition from the non-moving party, the motion is ☐ granted ☒ denied for the following reason(s):

☐ Failure to demonstrate that Respondent's failure to appear was the result of exceptional circumstances. *See* INA § 240(b)(5)(C)(i), (e)(1).

☒ Failure to demonstrate that the Respondent did not receive notice under INA § 239(a)(1)-(2). *See* INA § 240(b)(5)(C)(ii).

☐ Other:

In general, a motion to reopen must be filed within 90 days of the date of entry of a final order of removal. 8 C.F.R. § 1003.23(b). However, an order entered in absentia pursuant to INA § 240(b)(5) may be rescinded upon a motion to reopen filed at any time if the applicant demonstrates that he or she did not receive notice in accordance with INA §§ 239(a)(1) or (2) of the Act, or the applicant demonstrates that he or she was in Federal or state custody and the failure to appear was through no fault of the applicant. 8 C.F.R. § 1003.23(b)(4)(ii).

Respondent's motion claims that he did not receive the Notice of Hearing (NOH) for the May 22, 2024, hearing, and that he would have attended the hearing had he received it. The Board of Immigration Appeals (Board) has held that when service of a written notice is sent by regular mail, there is a presumption of delivery, but the presumption is weaker than the presumption that applies to documents sent by certified mail. *Matter of M-R-A-*, 24 I&N Dec. 665, 673 (BIA 2008). In determining whether this presumption is rebutted, "all relevant evidence, both direct and circumstantial, should be considered." *Navarrete-Lopez v. Barr*, 919 F.3d 951, 954 (5th Cir. 2019) (internal quotations omitted). The Board enumerated an inexhaustible list of seven factors to consider when determining whether a respondent has overcome the presumption of delivery when notice is delivered by regular mail. *Matter of M-R-A-*, 24



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2:56 pm, Oct 01 2025

I&N Dec. at 674. Some of the factors outlined by the Board include: (1) the respondent's affidavit; (2) affidavits from family members or other individuals knowledgeable about the relevant facts about whether notice was received; (3) the respondent's actions once he learned about the in absentia order and whether due diligence was exercised in seeking to redress the situation; (4) any prior affirmative application for relief, indicating the respondent's incentive to appear; (5) any prior application for relief filed with the Court or any prima facie evidence in the record indicating that the respondent had an incentive to appear; (6) respondent's previous attendance at Court hearings; and (7) any other circumstances or evidence indicating possible non-receipt of notice. Id. The Court may consider these factors as well as the specific circumstances of each individual case when deciding whether to reopen proceedings. Id.

Other than Respondent's argument in his motion that he did not receive the NOH, Respondent provided no evidence to rebut the slight presumption of delivery. Respondent's address has remained the same since he was placed into removal proceedings. A NOH was served via regular mail to that address on November 19, 2020. Ex. 3. The NOH was not returned to the Court as undeliverable. Respondent failed to provide an affidavit from himself or anyone else stating that the NOH was not received. See INA § 240(c)(7)(B) (stating that a motion to reopen "shall be supported by affidavits or other evidentiary material"); Matter of Ramirez-Sanchez, 17 I&N Dec. 503, 506 (BIA 1980) ("Counsel's arguments are not evidence."). Thus, the Court finds that Respondent did not overcome the presumption of delivery. Accordingly, Respondent's motion will be denied.



Immigration Judge: Thielemann, Christopher 04/24/2025

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
 Respondent: ☐ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
 To: [] Noncitizen | [] Noncitizen c/o custodial officer | [M] Noncitizen's atty/rep. | [M] DHS
 Respondent Name : ROBERTS, IAN ANDRE | A-Number : [REDACTED]

Riders:

Date: 04/30/2025 By: Pereda, Sonia, Court Staff