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EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Zeferino Miguel Ramirez, an adult, Petitioner, v. SAM OLSON, Chicago Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); TODD LYONS, Acting Director of Immigration Customs Enforcement ("ICE"); U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRSITI NOEM, Secretary of the Department of Homeland Security ("DHS"); U.S. DEPARTMENT OF HOMELAND SECURITY; and PAMELA BONDI, Attorney General of the United States, in their official capacities, Respondents.	)	Case No.

INTRODUCTION

1. Petitioner Zeferino Miguel Ramirez is a Mexican national.
2. Petitioner entered the United States without inspection or parole in 1989.
3. Petitioner was detained by Respondents on November 6, 2025.
4. Petitioner asks this Court to issue a Writ of Habeas Corpus, ordering Respondents to show cause within three days, providing reasons, if any, as to why Petitioner's detention is lawful. 28 U.S.C. § 2243.
5. Because Petitioner's detention has been unconstitutionally prolonged, Petitioner urges the Court to grant his petition and order Respondent to release him from detention. 28 U.S.C. § 2241.
6. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents' detention of Petitioner is an arbitrary and capricious violation of the law, and to immediately issue an order preventing Petitioner's transfer out of this district.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. §2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

10. Venue is proper because Petitioner is in Respondents' custody in Broadview, Illinois, which is within the jurisdiction of this District. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondents' custody. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

13. Petitioner is a 61-year-old citizen of Mexico. Petitioner is currently detained at the Broadview Processing Center. He is in the custody and under the direct control of Respondents and their agents.

14. Respondent Sam Olson is sued in his official capacity as the Director of the Chicago Field Office of U.S. Immigration and Customs Enforcement ("ICE"). The Chicago Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. Respondent Olson is a legal custodian of Petitioner and has the authority to release him.
15. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and has authority over the actions of respondent Sam Olson and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
17. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.
18. Respondent U.S. Immigration and Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

STATEMENT OF FACTS

21. Petitioner is a 61-year-old citizen and national of Mexico.

22. Petitioner entered the United States without inspection or parole in 1989 and has not left since that time.

23. Petitioner is married and has five US Citizen children.

24. Petitioner's spouse is financially dependent on him, and his children require financial and emotional support.

25. Petitioner has significant health concerns that will be exacerbated by detention. He has diabetes, hypertension, and stage 2 chronic kidney disease. Additionally, Petitioner is illiterate and can only sign his name. This presents concerns for understanding the information presented to him in detention.

26. On information and belief, Petitioner has no prior criminal history. On information and belief, the Petitioner has never been convicted of any crime and is not a security threat to the United States.

27. On information and belief, Petitioner has no prior immigration record or history of nonappearance at immigration court proceedings.

28. Petitioner was detained by ICE agents on November 6, 2025.

29. Petitioner was working at a factory when he was detained.

30. Petitioner was taken to the Broadview Processing Facility in Broadview, Illinois.

31. On information and belief, Respondents initiated removal proceedings against Petitioner after detaining him on November 6, 2025.

LEGAL FRAMEWORK

32. Petitioner is detained under an immigration statute that mandates the detention of all "arriving aliens" without individualized bond hearings. *See* 8 U.S.C. § 1255(b)(1)(B)(ii).

33. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

34. The Fifth Amendment to the U.S. Constitution provides further limits on detention. As the Supreme Court has noted "[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore*, 538 U.S. at 523 (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment–from government custody, detention, or other forms of physical restraint—lies at the heart of liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. See id. at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious."). Under these due process principles, detention must "bear [a] reasonable relation to the purpose for which the individual [was] committed." *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972))

35. Due process therefore, requires "adequate procedural protections" to ensure that the government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* at 690 (internal quotations omitted). In the immigration context, the Supreme Court has recognized only

two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.

36. Following *Zadvydas and Demore*, every circuit court to confront the issue has protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. *See Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins* (Rodriguez III), 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).

37. While the Seventh Circuit has not explicitly addressed the issue, the court has noted that "[i]t would be a considerable paradox to confer a constitutional or quasi-constitutional right to release on an alien ordered removed," as required by *Zadvydas*, "but not on one who might have a good defense to removal." *Hussain v. Mukasey*, 510 F.3d 739, 743 (7th Cir. 2007). Thus, a noncitizen subjected to prolonged detention "before he is subjected to a final order of removal" may be eligible for habeas relief if there is "[i]nordinate delay" in the proceedings. *Id.*

38. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness of detention: (1) how long the detention will likely continue in the absence of judicial relief; (2) the nature and extent of removal proceedings, including whether any delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order. *See Jamal v. Whitaker*, 358 F. Supp. 3d 853, 859-60 (S.D.N.Y. 2018).

39. Custody determinations for individuals in removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
40. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.
41. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual's release when the facts and circumstances warrant it.
42. Revocation and return to custody is authorized only based on the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

CLAIMS FOR RELIEF

COUNT ONE
Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)
Abuse of Discretion
Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

43. Petitioner restates and realleges all paragraphs as if fully set forth here.
44. Under the APA, a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
45. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the

evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

46. To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

47. By categorically detaining, denying Petitioner's release, and seeking to transfer him away from the district without consideration of his individualized facts and circumstances, Respondents have violated the APA.

48. Respondents have not considered Petitioner's facts and circumstances and determined that he is a flight risk or danger to the community.

COUNT TWO
Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)
Not in Accordance with Law and Excess of Statutory Authority
Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

49. Petitioner restates and realleges all paragraphs as if fully set forth here.

50. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

51. It is a well-established administrative principle that "agency action taken without lawful authority is at least voidable, if not void ab initio." *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015);

see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by an unauthorized official).

52. Petitioner's warrantless arrest on October 18, 2025, is a direct violation of the 2022 *Castañon Nava* consent decree, which limits the ability of ICE officers to arrest people without warrants or probable cause. *Nava v. Dep't of Homeland Sec.*, 18-cv-3757 (N.D. Ill. Oct 07, 2025). The *Castañon Nava* consent decree was extended until February 2, 2026. *Id.*

53. On information and belief, Respondents have detained Petitioner without a warrant much less probable cause.

54. Because Petitioner's detention was made by government officials not authorized by law to make this detention, Respondents' detention of Petitioner is not in accordance with law and in excess of statutory authority.

COUNT THREE
Violation of Fifth Amendment Right to Due Process

55. Petitioner restates and realleges all paragraphs as if fully set forth here.

56. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.

57. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

58. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and

must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

59. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

(3) Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;

(4) Declare that Petitioner's detention was made in violation of statute and regulation;

(5) Declare the continued detention of the Petitioner to lack statutory authorization;

(6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

(7) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;

(8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(9) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

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Dated: November 6, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Heber Z. Espino Morales, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 6 day of November, 2025.

/s/ LaShae Prins
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