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15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17
18

19 MARIBEL CATALAN RAMIREZ
20 Plaintiff and Petitioner,
21

22 vs.
23

24 JAMES JANECKA, Warden of the Adelanto
25 Detention Center; ERNESTO SANTACRUZ,
26 Jr., Acting Director of the Los Angeles Field
27 Office, United States Immigration and
28 Customs Enforcement; PAM BONDI,
Attorney General, United States Department
of Justice; KRISTI NOEM, Secretary, United
States Department of Homeland Security;
TODD LYONS, Acting Director of United
States Immigration and Customs
Enforcement; and DOES 1-5

Defendants-Respondents

5:25-cv-03418-FWS-DFM

**FIRST AMENDED PETITION
FOR HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF;**

FIRST AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF; - 1

JURISDICTION AND VENUE

1
2
3 1. This action arises under the Constitution of the United States; the Immigration
4 and Nationality Act, 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration
5 Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208,
6
7 110 Stat. 1570 [hereinafter ‘INA’]; and Administrative Procedure Act, 5 U.S.C. §§ 701
8
9 et seq [hereinafter “APA”].
10

11
12
13 2. This Court has further jurisdiction under 28 U.S.C. § 2241, 2243, art. I § 9,
14
15 cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. §
16
17 1331, as Petitioner is presently in custody under color of the authority of the
18
19 United States based on the service of a Notice to Appear, and such custody is in
20
21 violation of the Constitution, laws, or treaties of the United States.
22

23 3. This Court also may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. §
24
25 702, and the All Writs Act, 28 U.S.C. § 1651.
26

27 4. This court has further remedial authority pursuant to the Declaratory
28
Judgment Act, 28 U.S.C. § 2201 et seq..

5. The use of the Writ of Habeas Corpus to challenge detention by ICE is not foreclosed by the REAL ID Act. The REAL ID Act of 2005, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005), Title I, Section 106(c), amending INA §§ 242(a)(2)(A), (B), (C) and § 242(g), only deprives the district court of habeas jurisdiction to review orders of removal, not challenges to detention or the denial of constitutional rights. *See INS v. St. Cyr*, 533 U.S. 289, 364-65 (2001) (“The writ of habeas corpus has always been available to review the legality of executive detention.”).

1 6. This Court could enjoin federal officials pursuant to *Ex Parte Young*, 209
2 U.S. 123 (1908). *See Philadelphia Co. v. Stimson*, 223 U.S. 605, 619–21 (1912)
3
4 (applying *Ex Parte Young* to federal official); *Goltra v. Weeks*, 271 U.S. 536, 545
5
6 (1926) (same).
7
8

9 7. Plaintiff-Petitioner has exhausted all administrative remedies to the extent
10
11 available and required by law.
12

13 8. Venue properly lies within the Central District of California, because each
14
15 named Defendant-Respondent is present in this district and a substantial part of the
16
17 events or omissions giving rise to this action occurred and continue to occur in this
18
19 District. *See 28 U.S.C. §1391(b)*. Petitioner are currently detained within this
20
21 district to wit, at the Adelanto Detention Facility located at 10400 Rancho Road,
22
23 Adelanto, CA 92301. Accordingly, the “restraint complained of” is occurring
24
25 within the Court’s territorial jurisdiction. *See 28 U.S.C. § 2241(a)*
26

27 9. No petition for habeas corpus has previously been filed in any court to
28
review the legality of the named Plaintiff-Petitioner’s detention.

PARTIES

10 10. Plaintiff-Petitioner Maribel Catalan Ramirez is a 52-year-old national and
11
12 citizen of Guatemala who had resided in the United States for over 19 years prior
13
14 to her unlawful arrest and detention by Respondents.
15

16 11. The U.S. Department of Homeland Security (“DHS”) is a cabinet
17
18 department of the United States federal government with the primary mission of
19
20 securing the United States.
21

1 12. ICE is an agency within DHS with the primary mission of arresting,
2
3 detaining, and removing non-citizens physically present within the territory of the
4
5 United States. ICE is also responsible for the custody and care of all detained non-
6
7 citizens awaiting resolution of their immigration cases or removal after a final
8
9 order of removal had been entered.

10
11 13. Defendant Kristi Noem is the Secretary for DHS. In this capacity, Ms. Noem
12
13 has responsibility for the administration of immigration laws pursuant to 8 U.S.C.
14
15 §1103(a), has authority over ICE and its field offices, and has authority to order the
16
17 release of Plaintiff-Petitioner. At all times relevant to this Complaint,
18
19 Defendant Noem was acting within the scope and course of her position as the
20
21 Secretary for DHS. Defendant Noem is sued in her official capacity.

22
23 14. Defendant-Respondent Todd Lyons is the Acting Director and Senior
24
25 Official Performing the Duties of the Director of ICE. Defendant Lyons is
26
27 responsible for the implementation of all ICE's policies, practices, and procedures,
28
including those relating to detention of non-citizens. Defendant Lyons is a legal
and immediate custodian of Petitioner. At all times relevant to this Complaint,
Defendant Lyons was acting within the scope and course of his position as an ICE
official. He is sued in his official capacity.

15. Defendant-Respondent Ernesto Santacruz, Jr. is the Acting Director of the
Los Angeles Field Office of ICE, which has immediate custody of Plaintiff-
Petitioner. He is sued in his official capacity.

16. Defendant James Janecka is the warden of the Adelanto Detention Facility in
San Bernardino County, where Plaintiff-Petitioner is currently detained. Defendant

1 Janecka is the immediate, physical custodian of Petitioner. He is named in his
2
3 official capacity.
4

5 17. The true names or capacities, whether individual, corporate, associate or
6
7 otherwise, of the Defendants-Respondents named herein as Does 1 through 5 are
8
9 unknown to Plaintiff-Petitioner, who therefore sues said Respondents by such
10
11 fictitious names, and Petitioner will amend this Complaint to show their true names
12
13 and capacities when ascertained. Does 1 through 5 are the immediate, physical
14
15 custodians of Plaintiff-Petitioner
16

17 **FACTS RELEVANT TO ALL CAUSES OF ACTIONS**
18

19 18. Petitioner Maribel Catalan Ramirez is a fifty-two-year-old woman who was
20
21 born in, and is a citizen of, Guatemala. She has no criminal arrests or convictions. See
22
23 Exhibit A.
24

25 19. Petitioner entered the United States without inspection in 2006, 19 years ago,
26
27 and has resided in the country continuously ever since. Id.
28

20. On 12 November 2025 Petitioner, who is a street vendor, was selling her goods
and interacting with her customers when several masked individuals swarmed the
sidewalk and started to grab vendors indiscriminately. Id. The individuals did not
identified themselves in any way, did not present a warrant ,or ask any questions of
Petitioner to ascertain probable cause as to her immigration status or flight risk.
Petitioner believes and hereby alleges that the arresting individuals were Border Patrol
officers engaged in a raid sanctioned by Respondents and had no reason to believe that
Petitioner was unlawfully present in the United States other than her occupation and
Latino appearance.

1 21. Respondents arrested Petitioner and three other Hispanic individuals. Id.

2
3 22. At the time of her arrest Petitioner was not armed, attempting to flee, resisting
4
5 arrest, or engaged in any other actions to endanger the officers. Yet, she accosted
6
7 aggressively by the officer and was “slammed [] on the ground” Id. ¶8.

8
9 23. The officers handcuffed Petitioner and took her to their car without conducting
10
11 any pre-deprivation interview or questioning.

12
13 24. Petitioner has no prior immigration record.

14
15 25. Upon her arrest Respondents transferred Petitioner to the B-18 temporary
16
17 detention site on 300 North Los Angeles Street for processing. Id. She was held in
18
19 B-18 for over 48 hours before being transferred to the Adelanto Detention Facility
20
21 where she remains detained.

22
23
24 26. Ms. Ramirez suffers from co-morbidities Her conditions have aggravated
25
26 significantly while in detention due to insufficient medical care and poor diet
27
28 resulting in her being rushed to the hospital for an emergency. Id. ¶10.

27. Petitioner was not allowed to apply for or post a bond and remain in custody.

28. The Respondents have refused to release Petitioner from custody on either conditional or humanitarian parole and have denied his request for reasonable accommodation under the Rehabilitation Act.

29. On 25 November 2025 Respondents issued a Notice To Appear (NTA)

and placed Petitioner in section 240 proceedings as a person present in the
FIRST AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
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1 United States without having been admitted or paroled but claim that they have
2
3 no authority to release her under either section 212(d)(5) or section 236(a).
4

5 30. No expedited order of removal was ever entered and served on Petitioner.
6

7
8 31. Petitioner's section 240 removal proceedings are ongoing before the
9
10 EOIR, Adelanto, CA. Exhibit A at p. 2.
11

12
13 **RELEVANT IMMIGRATION STATUTORY SCHEME**
14

15 **Section 1225(b)(1) Expedited Removal Proceedings**
16

17 32. The expedited removal process, created by the Illegal Immigration Reform
18 and Immigrant Responsibility Act of 1996, is codified in INA § 235(b)(1), §
19 U.S.C. §1225(b)(1). The INA permits the DHS to summarily remove non-citizens
20 arriving at a designated U.S. port of entry ('arriving aliens') "without further
21 hearing or review" if they are inadmissible either because they (1) lack valid entry
22 documents, or (2) tried to procure their admission into the United States through
23 fraud or misrepresentation. INA § 235(b)(1) also authorizes—but does not
24 require—DHS to extend application of expedited removal to "certain other aliens"
25 inadmissible on the same grounds if they (1) were not admitted or paroled into the
26 United States by immigration authorities and (2) cannot establish at least two years'
27 continuous physical presence in the United States at the time of apprehension.
28

33. Respondents have implemented expedited removal mainly for three
overarching categories of aliens who lack valid entry documents or attempted to
falsely procure admission: (1) arriving aliens (defined by regulation as aliens

1 arriving at U.S. ports of entry); (2) aliens who entered the United States by sea
2 without being admitted or paroled into the United States, and who have been in the
3 country less than two years; and (3) aliens apprehended within 100 miles of the
4 U.S. border within two years of entering the country, and who have not been
5 admitted or paroled.
6
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9

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11 34. Respondents could not and have not invoked the expedited removal process
12 when they first apprehended Petitioner. See Exhibit A.
13
14

15 **Regular or 'Section 240' Removal Proceedings**
16

17 35. The second option for Respondents under the INA is to initiate what is
18 commonly referred to as "section 240" proceedings, the standard mechanism for
19 removing inadmissible and removable noncitizens. Section 240 removal
20 proceedings take place before an immigration judge (IJ), an employee of the
21 Department of Justice who must be a licensed attorney and has a duty to develop
22 the record in cases before them. 8 U.S.C. § 1229a(a)(1), (b)(1); 8 C.F.R. §
23 1003.10(a). These are adversarial proceedings in which the noncitizen has the right
24 to hire counsel, file for all relief from removal within the jurisdiction of the
25 immigration judge, examine and present evidence, and cross-examine witnesses. 8
26 U.S.C. § 1229a(b)(4). Section 240 proceedings typically take place over the course
27 of multiple hearings., thus allowing time for individuals to gather and present
28 evidence in support of petitions for relief available in immigration court (like
asylum, adjustment of status, cancellation of removal, etc.) and to seek collateral
relief from other components of the Department of Homeland Security (like
U and T visa). See 8 U.S.C. §§ 1229a(b)(4)(B), (c)(4), 1229b.

1 36. After an IJ renders a decision, either party may appeal to the Board of
2 Immigration Appeals. 8 C.F.R. §§ 1240.15, 1003.1. If the Board upholds a removal
3 order, the noncitizen can appeal that decision to a federal court of appeals via a
4 petition for review. 8 U.S.C. § 1252.
5
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8

9 **Immigration Detention**

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11 37. The INA governs the use of immigration detention both pre- and post-final
12 order. Post-final-order immigration detention is governed by 8 U.S.C. § 1231(a);
13 pre-final-order detention by 8 U.S.C. § 1226.
14
15
16

17 38. In 8 U.S.C. §§ 1226 and 1231 Congress created different, but interrelated,
18 comprehensive frameworks for detaining criminal and non-criminal non-citizens.
19

20
21 39. Section 1226 authorizes the detention of non-citizens during removal
22 proceedings: section 1226(a) controls non-criminal aliens' detentions, while
23 section 1226(c) controls criminal aliens' detentions. *See* 8 U.S.C. § 1226(a)&(c).
24
25 Once a non-citizen's removal proceedings are completed ICE's detention authority
26 is controlled by section 1231, which also distinguishes between non-criminal and
27 criminal non-citizens. *See* 8 U.S.C. § 1231.
28

*Section 1226(a) and Non-Criminal Non-citizens
During Removal Proceedings*

40. The Attorney General has discretion to detain a non-criminal non-citizen
“pending a decision on whether the alien is to be removed from the United States.”
See 8 U.S.C. § 1226(a). The Attorney General may detain the non-citizen for the
duration of the removal proceedings or release him on bond or conditional parole.
See 8 U.S.C. § 1226(a)(1)-(2).

1 41. In connection with § 1226(a), the DHS promulgated regulations setting out
2 the process by which a non-criminal non-citizen may obtain release. The
3 regulations provide that, in order to obtain bond or conditional parole, the “alien
4 must demonstrate to the satisfaction of the officer that such release would not pose
5 a danger to property or persons, and that the alien is likely to appear for any future
6 proceeding.” *See* 8 C.F.R. § 1236.1(c)(8).

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13 *Section 1226(c) and Criminal Non-citizens*
14 *During Removal Proceedings*
15

16 42. Although the Attorney General has broad discretion to release non-criminal
17 non-citizens during the pendency of their removal proceedings, the INA limits the
18 Attorney General’s discretion in the case of criminal non-citizens. Specifically,
19 section 1226(c) mandates that “[t]he Attorney General shall take into custody any
20 alien who . . . is deportable by reason of having committed [certain specified
21 offenses].” *See* 8 U.S.C. § 1226(c)(1)(B).

22 43. Section 1226(c) provides that the Attorney General may release a criminal
23 non-citizen “only if” necessary for narrow witness protection purposes. *See* 8
24 U.S.C. § 1226(c)(2). Under § 1226(c), custody is mandatory for criminal non-
25 citizens throughout the entirety of their removal proceedings, and there is no
26 statutory possibility for release on bond.

27 44. Petitioner was never detained under the authority of section 1226(c).

28 45. When a non-citizen is released on bond or under supervision, the non-citizen
must periodically appear before an immigration officer, obey written restrictions,

1 and comply with other requirements provided for by regulation. *See* 8 U.S.C. §
2 1231(a)(3).
3

4
5 **46.** When a non-citizen is released on supervision ICE must issue and serve on
6 the individual a standardized form I-220 which imposes the conditions on release.
7
8 Petitioner has no criminal record, prior immigration record and has complied with
9 all conditions on release.
10

11
12
13 *Detention Pursuant to 8 U.S.C. § 1225(b)(2)*
14

15 **47.** Under § 1225(b)(2), “in the case of an alien who is an applicant for
16 admission, if the examining immigration officer determines that an alien seeking
17 admission is not clearly and beyond a doubt entitled to be admitted, the alien shall
18 be detained.” 8 U.S.C. § 1225(b)(2). By contrast, an alien arrested on a warrant
19 issued by the Attorney General “may” be detained but is also eligible for release on
20 bond. 8 U.S.C. § 1226(a). Courts have repeatedly held that § 1225 applies to
21 arriving aliens, while § 1226 governs detention of “aliens already in the country.”
22
23 *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018). Neither Petitioner is an arriving
24 alien under § 1225 and in fact Respondents charged both Petitioner as an “alien
25 present in the United States who has not been admitted or paroled” rather than an
26 “arriving alien.” See Exhibit A& B [Notice to Appear] (stating Petitioner is
27 charged under INA 212(a)(6)(a), codified at 8 U.S.C. § 1226(a)(6)(a)).
28

48. The Courts to have addressed the issue have found the Government
invocation of the mandatory detention provision under section 1225 unlawful and
have ordered release of non-citizens held in detention based of such erroneous
reading of the Immigration and Nationality Act and application of § 1225(b) to
FIRST AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
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1 noncitizens who, like Petitioner, are not apprehended upon arrival in the United
2 States. *See Maldonado Bautista v. Santacruz Jr.*, No. 5:25-cv-01873-SSS-BFM,
3 Dkt 81 (C.D. Cal. Nov 20, 2025); *Rodriguez Vasquez v. Bostock*, No. 3:25-CV-
4 05240-TMC,---F.Supp.3d---, 2025 WL 1193850 (W.D.Wash. Apr. 24, 2025); *see*
5 *also Gomes v. Hyde*, No. 1:25-CV- 11571-JEK, 2025 WL 1869299, at *8 (D.
6 Mass. July 7, 2025) granting habeas based on same ground); *Diaz Alartinez v.*
7 *Hyde*, No. CV 25-11613-BEM,---F.Supp. 3d---2025 WL 2084238, at *9 (D. Mass.
8 July 24, 2025) (ordering release where noncitizen was redetained based on ICE's
9 assertion of detention authority under § 1225(b)); *Helal v. Janecka*, No. 5:25-CV-
10 02650-HDV-JC, 2025 WL 3190132, at *3 (C.D. Cal. Oct. 24, 2025) (same).

11 49. Under *Loper Bright v. Raimondo*, this Court should independently interpret
12 the statute and give the BIA's expansive interpretation of § 1225(b)(2) no weight,
13 as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).

14 50. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of
15 the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of
16 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to
17 3009–583, 3009–585. Following IIRIRA, the Executive Office for Immigration
18 Review ("EOIR") issued regulations clarifying that individuals who entered the
19 country without inspection were not considered detained under § 1225, but rather
20 under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and*
21 *Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed.
22 Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens
23 who are present without having been admitted or paroled (formerly referred to as
24 FIRST AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
25 DECLARATORY AND INJUNCTIVE RELIEF; - 12
26
27
28

1 aliens who entered without inspection) will be eligible for bond and bond
2 redetermination”).
3

4
5 51. The statutory context and structure also make clear that § 1226 applies to
6 individuals who have not been admitted and entered without inspection. In 2025,
7 Congress added new mandatory detention grounds to § 1226(c) that apply only to
8 noncitizens who have not been admitted. *See* The Laken Riley Act, Pub. L. No. 119-1,
9 § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).
10
11

12
13 52. By specifically referencing inadmissibility for entry without inspection under 8
14 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered
15 by § 1226(a). Thus, § 1226 plainly applies to noncitizens charged as inadmissible,
16 including those present without admission or parole.
17
18

19 53. The Supreme Court has explained that § 1225(b) is concerned “primarily [with
20 those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of
21 entry, where the Government must determine whether [a noncitizen] seeking to enter
22 the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In
23 contrast, Section 1226 “authorizes the Government to detain certain aliens *already in*
24 *the country* pending the outcome of removal proceedings.” *Id.* at 289 (emphases
25 added).
26
27

28 54. Furthermore, § 1225(b)(2) specifically applies only to those “seeking
admission,” and the implementing regulations at 8 C.F.R. § 1.2 address noncitizens
who are “coming or attempting to come into the United States.” The use of the present
progressive tense would exclude noncitizens like Petitioner who are apprehended in
the interior years after they entered, as they are no longer “seeking admission” or
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1 “coming [...] into the United States.” *See Martinez v. Hyde*, 2025 WL 2084238 at *6
2
3 (D. Mass. July 24, 2025) (citing the use of present and present progressive tense to
4
5 support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended
6
7 in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200
8
9 (S.D. Cal. 2019) (construing “is arriving” in INA § 235(b)(1)(A)(i) and observing that
10
11 “[t]he use of the present progressive, like use of the present participle, denotes an
12
13 ongoing process”).

14
15 55. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply
16
17 to Petitioner, who had entered the U.S. years ago.

18
19 **COUNT ONE**

20
21 **Detention in Violation of the Fifth Amendment**
22 **(substantive due process)**
23 **Against all Defendants**

24 56. Petitioner repeats and incorporates by reference all allegations in paragraphs
25
26 18 to 55 above.

27
28 57. The Fifth Amendment guarantees that no person shall be deprived of liberty
without due process of law. U.S. Const. Amend. V. “Freedom from
imprisonment—from government custody, detention, or other forms of physical
restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*,
533 U.S. 678, 690 (2001).

58. “Government detention violates the Due Process Clause unless it is ordered
in a criminal proceeding with adequate procedural safeguards, or in certain special
and non-punitive circumstances ‘where a special justification, . . . outweighs the
individual’s constitutionally protected interest in avoiding physical restraint.’”

1 *Zavala v. Ridge*, 310 F. Supp. 2d 1071, 1076 (N.D. Cal. 2004) (quoting *Kansas v.*
2
3 *Hendricks*, 521 U.S. 346, 356 (1997)).

4
5 59. Respondents cannot show any “special justification” or compelling
6
7 governmental interest which would outweigh Petitioner’ constitutional liberty.

8
9 60. Petitioner is not a danger to anyone or flight risk.

10
11 61. The governmental interest in the continued detention of these least-
12
13 dangerous individuals does not and cannot outweigh the liberty interest at stake.

14
15 **COUNT TWO**
16 **Violation of Fifth Amendment Right**
17 **Procedural Due Process**
18 **Against All Defendants**
19

20
21 62. Petitioner repeats and incorporates by reference all allegations in paragraphs
22
23 18 to 55 above.

24
25 63. The Fifth Amendment’s Due Process Clause prohibits the federal government
26
27 from depriving any person of “life, liberty, or property, without due process of law.”
28 U.S. Const. Amend. V.

64. The Supreme Court has repeatedly emphasized that the Constitution generally
requires a hearing before the government deprives a person of liberty or property.
Zinerman v. Burch, 494 U.S. 113, 127 (1990).

65. Under the *Mathews v. Eldridge* framework, the balance of interests strongly
favors Petitioner’s release.

66. Petitioner’ private interest in freedom from detention is profound. The interest in
being free from physical detention is “the most elemental of liberty interests.” *Hamdi v.*
Rumsfeld, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690

1 (2001) (“Freedom from imprisonment—from government custody, detention, or other
2 forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause
3 protects.”).
4

5
6
7 67. The risk of erroneous deprivation is exceptionally high. Petitioner Ramirez has
8 never been arrested and has deep ties to the community.
9

10
11 68. The government’s interest in detaining Petitioner without due process is
12 minimal. Immigration detention is civil, not punitive, and may only be used to prevent
13 danger to the community or ensure appearance at immigration proceedings. *See*
14 *Zadvydas*, 533 U.S. at 690.
15
16

17
18
19 69. Furthermore, the “fiscal and administrative burdens” of providing Petitioner
20 with a bond hearing are minimal, particularly when weighed against the significant
21 liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.
22

23
24
25 70. Considering these factors, Petitioner respectfully requests that this Court order
26 her immediate release from custody or in the alternative order that he be provided with
27 a bond hearing before an immigration judge where Respondents bear the burden of
28 proof.

COUNT THREE
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond
Against All Respondents

71. Petitioner repeats and incorporates by reference all allegations in paragraphs
18 to 55 above.

1 72. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a). Under §
2 1226(a) and its associated regulations, Petitioner are entitled to a bond hearing. *See*
3
4 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

5
6
7 73. Petitioner has not been, and will not be, provided with a bond hearing by
8
9 Respondents as required by law unless the Court so order.

10
11 74. Petitioner' continuing detention is therefore unlawful.
12
13

14 **COUNT FOUR**
15 **Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19**
16 **Against All Respondents**
17

18
19 75. Petitioner repeats and incorporates by reference all allegations in paragraphs
20
21 18 to 55 above.

22
23 76. In 1997, after Congress amended the INA through IIRIRA, EOIR and the
24 then-Immigration and Naturalization Service ("INS") issued an interim rule to
25 interpret and apply IIRIRA. Specifically, under the heading of "Apprehension,
26 Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite
27 being applicants for admission, [noncitizens] who are present without having been
28 admitted or paroled (formerly referred to as [noncitizens] who entered without
inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at
10323. The agencies thus made clear that individuals who had entered without
inspection were eligible for consideration for bond and bond hearings before IJs
under 8 U.S.C. § 1226 and its implementing regulations.

77. The application of § 1225(b)(2) to Petitioner unlawfully mandates their
continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT FIVE

**Non-Statutory Ultra Vires Action/Accardi Doctrine Violation
Against all Defendants**

78. Petitioner repeats and incorporates by reference all allegations in paragraphs 18 to 55 above.

79. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Petitioner under the circumstances of this case.

80. Petitioner have a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents' ultra vires actions in holding them in punitive immigration detention without an opportunity to be heard and apply for a bond.

81. Under the *Accardi* doctrine, Petitioner also have a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 ("If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

82. Respondents violated agency regulations governing who and upon what findings it may holding individual without an opportunity for release.

SUBSTANTIAL LIKELIHOOD OF SUCCESS

83. Petitioner repeats and incorporates by reference all allegations in paragraphs 1 to 82 above.

84. As shown above Petitioner has shown substantial likelihood of success on her statutory and constitutional claims.

IRREPARABLE HARM

1
2
3 **85.** Petitioner has resided in the United States for extended periods of time and
4
5 has established deep roots in the communities. Because of her unlawful detention
6
7 Petitioner has been separated from family members and is experiencing severe
8
9 emotional distress. See Exhibit.

10
11 **86.** “It is well established that the deprivation of constitutional rights
12
13 unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990,
14
15 1002 (9th Cir. 2012). “When an alleged deprivation of a constitutional right is
16
17 involved, most courts hold that no further showing of irreparable injury is
18
19 necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005)
20
21 (cleaned up). Permitting continued violations of federal law would serve “neither
22
23 equity nor the public interest.” *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022).
24
25 Thus, the public interest weighs in favor of the Petitioner because continued
26
27 detention without the legal protections afforded by the INA, Due Process, and the
28
prohibition against non-refoulement potentially violates his due process and
statutory rights. See *Xuyue Zhang v. Barr*, 612 F.Supp.3d 1005, 1017 (C.D. Cal.
2019) (“Generally, public interest concerns are implicated when a constitutional
right has been violated, because all citizens have a stake in upholding the
Constitution.”).

PRAYER FOR RELIEF

WHEREFORE, Petitioner pray that this Court grant the following relief:

FIRST AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF; - 19

- (1) Issue a Temporary Restraining Order ordering release of Petitioner pending resolution of this case or in the alternative that Respondents provide them with a constitutionally valid bond hearing before an Immigration Judge;
- (2) Issue a Writ of Habeas Corpus on the ground that Petitioner' continued detention violates the Due Process Clause and order Petitioner' immediate release on reasonable conditions of supervision;
- (3) In the alternative, issue injunctive relief ordering Respondents to immediately release Petitioner, on the ground that her continued detention violates Plaintiff's constitutional due process rights;
- (4) Issue an injunction ordering Respondents not to arrest and detain Petitioner without a proper finding that she has committed a violation of the conditions of release or bond;
- (5) Issue an injunction ordering Respondents not revoke Petitioner' grant of release without providing prior written notice, an opportunity to respond, and be represented by counsel prior to deprivation of liberty when the individual is not yet subject to a final order of removal;
- (6) Issue an injunction prohibiting the transfer of Petitioner outside of the jurisdictional limits of this Court;
- (7) Enter a judgment declaring that Respondents' detention of Petitioner is and will be unauthorized by statute and contrary to law;
- (8) Award Petitioner reasonable costs and attorney fees.

Date: 12/30/2025

Verified and Submitted by
FIRST AMENDED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF; - 20

1
2
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My name is Maribel Catalan Ramirez and I am over 18 years old and the following is my declaration is truth and correct to the best of my knowledge

1. My name is Maribel Catalan Ramirez
2. I am from Guatemala.
3. I am 52 years old.
4. I have entered in the United States over 19 years ago.
5. I speak Spanish.
6. I escaped from my country because I have fear to return to my country.
7. I have court proceeding pending with the immigration court.
8. On 11/12/2025, I was selling items on the street and there was a lot of people on the street buying items. There were few masked people who were unidentified grabbing people on the street. They grabbed 4 people including me. It was a chaos and all of us were Hispanic. They slammed me on the ground and being very aggressive towards me. I didn't know what was going on. They handcuffed me and took me to their car. I didn't know who these people were and didn't know if they were officers or criminals.
9. I stayed in Los Angeles for 2 days then they transferred me to Adelanto.
10. I am very sick now at detention center. They took me to the hospital and I stayed there for 8 days. I was there for an emergency. It is very cold there and I didn't have enough clothes and blankets. I have so much fear inside and I worry so much about my life.
11. There are a lot of people together stayed in the same room.
12. They gave us food that is not eatable at all.
13. I am very depressed and I am under a lot of stress inside.
14. I could not sleep because of my medical condition. It is a nightmare to me about what happened on 11/12/2025. I came to this country to seek refugee because of the country condition in my country. I never expected to have those inhuman treatments like this. When I slept at night, I would have nightmare about what happened on 9/3/2025
15. I miss my family and my child.
16. I feel very helpless and vulnerable under this circumstance and I am so afraid of my life if I continue to stay inside.
17. I need to get out of there since my family needs me.
18. I miss my family and I need your help

Juan Catalan FOR Maribel Catalan

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EOIR Automated Case Information

Court Closures Today December 6, 2025

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Automated Case Information

Name: CATALAN RAMIREZ, MARIBEL | A-Number:



| Docket Date: 11/21/2025



Next Hearing Information

Your upcoming **MASTER** hearing is on **December 16, 2025** at **8:00 AM**.

JUDGE

Maury, Carlos E.

COURT ADDRESS

10400 RANCHO ROAD
ADELANTO, CA 92301