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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN, DIVISION

Fernando Ramirez Castillo, Petitioner, v. Warden, Adelanto ICE Processing Ctr; Dir LA Field Ofc ERO; Acting Dir ICE; Sec DHS; US AG, Respondents.	Case No.: 5:25-cv-3476 Agency No.: A[redacted] PETITION FOR WRIT OF HABEAS CORPUS 8 USC §2241

INTRODUCTION

1. Petitioner, Fernando Ramirz Castillo, was detained on or about December 17, 2025, without statutory authority. On June 27, 2016, Los Angeles Immigration Judge Rachel A. Ruane ordered his removed from the United States to Mexico, no alternate country of removal was designated. However, she granted him Deferral of Removal pursuant to the Convention Against Torture ("CAT") meaning that he cannot be removed from the United States. The Department of Homeland Security ("DHS") has not moved to reopen his immigration court proceedings to either A) cancel his grant of Deferral of Removal under CAT nor B) designate an alternate country of removal.

Accordingly, in order to vindicate Mr. Ramirez Castillo's constitutional and statutory rights, this Court should grant the instant petition for a writ of habeas corpus. Absent an order from this Court, Petitioner faces imminent removal to a third country and separation from his family and home.

JURISDICITION

2. This action is brought pursuant to the Constitution of the United States and the Immigration & Nationality Act ("INA"), 8 USC §1101 *et seq*.

3. This Court has subject matter jurisdiction under 28 USC §2241 (habeas corpus), 28 USC §1331 (federal question), and Article I, §9, cl.2 of the U.S. Constitution (Suspension Clause).

4. This Court may grant relief under 28 USC §2241 *et seq*. (Habeas Corpus), 28 USC §2201 *et seq*. (Declaratory Judgment Act), and 28 USC §1651 (All Writs Act).

VENUE

5. Venue is proper because Petitioner is detained at the ICE Processing Center located in Camarillo, California, which is in the jurisdiction of this District. In addition, venue is proper because a substantial part of the events giving rise to Mr. Ramirz Castillo's claims occurred in this District. He resides within the District. In addition, at least one of the Respondents is located within the District. 28 USC §1391(e).

28 USC §2243

6. 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 USC §2243. If an OSC is issued, Respondents are to be required to file a return "**within three days** unless for good cause additional time, not exceeding twenty days, is allowed." Ibid. (Emphasis added).

7. Courts have long recognized the significance of the habeas corpus in protecting individuals from unlawful detention. The Supreme Court has referred to the Great Writ 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).

PARTIES

8. Petitioner Fernando Ramirez Castillo is a native and citizen of Mexico. He is the recipient of an order granting him Deferral of Removal under the Convention Against Torture by Los Angeles, California Immigration Judge Rachel A. Ruane. He is being detained at the ICE Processing Center in Camarillo, California. He is in the custody and under the direct control of Respondents and their designees and/or agents.

9. Respondent warden of GEO Group's ICE Processing Center in Adelanto, California. Named by title. FRCP 17(b). He has immediate physical custody and control of Petitioner pursuant to the facility's contract with ICE to detain non-citizens like him. Respondent warden of the ICE Processing Center in Adelanto, California is the immediate legal custodian of Petitioner.

10. Respondent Director of the Los Angeles Field Office of the Enforcement and Removal Office of the Immigration & Customs Enforcement. Named by title. FRCP 17(d). Respondent Director is a legal custodian of Petitioner and has the lawful authority to order Petitioner's release.

11. Respondent Acting Director Immigration and Customs Enforcement. Named by title. FRCP 17(d). Respondent Acting Director is a legal custodian of Petitioner and has the lawful authority to order Petitioner's release.

12. Respondent Secretary of Homeland Security. Respondent named by title. FRCP 17(d). In this capacity the Secretary is responsible for the implementation and enforcement of the INA and oversees, ICE; the agency responsible for Petitioner's detention. Respondent Secretary is a legal custodian of Petitioner and has the lawful authority to order her release.

13. Respondent Attorney General of the United States. Respondent named by title. FRCP 17(d). In this capacity the Attorney General has the authority to adjudicate immigration removal cases and to oversee the Executive Office for Immigration Review ("EOIR"); which administers the immigration courts and Board of Immigration Appeals. Respondent Attorney General is a legal custodian of Petitioner and has the lawful authority to order Petitioner's release.

STATEMENT OF FACTS

14. Mr. Ramirez Castillo is a citizen and national of Mexico.

15. Petitioner was placed in removal proceedings before Immigration Judge Rachel A. Ruane in Los Angeles, California.

16. In these proceedings Petitioner applied for asylum, withholding of removal and protection under the Conventional Against Torture (CAT).

17. On June 27, 2016, the Immigration Judge denied his applications for asylum and withholding of removal and ordered his removed to Mexico. **No alternate country of removal was named or ordered.**

18. On this same date, Immigration Judge Ruane granted Petitioner relief under CAT, meaning that while the order is in effect Petitioner cannot be removed from the United States. Moreover, DHS did not appeal this order, so it is administratively final. A copy of Immigration Judge Ruane's Order granting protection under CAT is attached hereto as Exhibit A.

19. On or about December 17, 2025, Petitioner was detained by ICE and is currently at the ICE Processing Center in Camarillo, California. This Center is for temporary holding and normally within a few days, persons like Petitioner are moved to other facilities, including outside of this Court's jurisdiction.

20. Based on information and belief, from communication with Petitioner's family, Petitioner has been told by Respondents that he will be removed (deported) to an unnamed third country.

21. Based on information and belief, Petitioner was told by an officer of Respondent Dir LA Field Ofc ERO that they can immediately remove him, since he already has an order of removal and so does not have the right to see an immigration judge.

22. Respondents have not petitioned the Immigration Judge to reopen Petitioner's immigration court proceedings to request that the order granting protection under the Convention Against Torture be rescinded, nor to request that removal be ordered to an alternate country.

23. Petitioner remains detained by Respondents in the ICE Processing Center in Adelanto, California, in violation of the Immigration Judge's order granting him protection under the Convention Against Torture and his rights to Due Process.

ARGUMENT

24. An applicant for protection under the Convention Against Torture must establish that it is more likely than not that he would be tortured if removed to the proposed country of removal. Under certain circumstances if an applicant for CAT protection must be denied "withholding of removal" that person may receive "deferral of removal." If the applicant establishes the more likely than not requirement of facing torture is met the Immigration Judge **must** grant protection. 8 CFR §1208.16(c)(3); §1208.17(a).

25. Immigration Judge Ruane granted Petitioner protection under the Convention Against Torture. Thus, Petitioner established that it is more likely than not that he would be tortured if returned to Mexico.

26. 8 CFR §1208.17(c) indicates that Respondents' authority to detain Petitioner may not be altered and that release is governed by 8 CFR §241, which interprets §241 of the INA.

27. INA §241(a)(1)(A), 8 USC §1231 (a)(1)(A) states that after a non-citizen is ordered removed "the Attorney General shall remove the alien from the United States within a period of 90 days (…the 'removal period')". INA §241(a)(2)(A), 8 USC §1231I(a)(2)(A) states the "[d]uring the removal period, the Attorney General shall detain the alien. Under no circumstances during the removal period shall the Attorney General release an alien who has been found inadmissible…or deportable…"

28. INA §241(a)(3), 8 USC §1231(a)(3) states that "[i]f the alien does not leave or is not removed with the removal period, the alien pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien- (A) to appear before an immigration officer periodically for identification; (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government; (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien."

29. On June 27, 2016, Immigration Judge Ruane found Petitioner removable (as inadmissible) from the United States. This order was not appealed, meaning that it became administratively final. Thus, triggering the 90 day "removal period."

30. Again, Immigration Judge Ruane granted Petitioner protection from removal to Mexico (with no alternate country of removal named), thus, not requiring Petitioner to leave. The 90th day for the Attorney General to effectuate Petitioner's removal was September 25, 2016.

31. In other cases, Respondents have argued that persons like Petitioner have to wait for a period of six (6) months before petitioning for release citing Zadvydas v. Davis, 533 U.S. 678 (2001). However, even the Supreme Court has rejected this argument:

> We also reject the Government's argument that, under Zadvyas, §1231(a)(6) 'authorizes detention until it approaches constitutional limits.'… Zadvyas did not hold that the statute authorizes detention until it approaches constitutional limits; it held that, *since* interpreting the statute to authorize indefinite detention… would approach constitutional limits, the statue should be read… **to authorize detention only for a period consistent with the purpose of effectuating removal**. 533 U.S. at 697-698. (Italics in original)(Other emphasis added). Clark v. Martinez, 543 U.S. 371, 384 (2005).

32. As noted above INA §241(a)(3), 8 USC §1231(a)(3) pending removal the non-citizen shall be subject to supervision and the Attorney General shall require such non-citizen found removable but not removed within the removal period to "(A) appear before an immigration officer periodically…"

33. This statutory language plainly indicates that a non-citizen detained during the removal period does not leave or is not removed, that non-citizen is released from detention and is then subject to supervision, which includes appearing periodically before an immigration officer outside of detention.

34. Again, Petitioner's removal period ran from June 27, to September 25, 2016. During this time, Petitioner was not detained and he faithfully appeared at all ICE check-ins for 9 ½ years. Only in December of 2025, again 9 ½ years after the removal period ended, did Respondents detain Petitioner.

35. Respondents may argue that Petitioner was detained due to his criminal convictions (1) Case #3PN01228 Van Nuys, CA Misdemeanor PC §242-243(e)(1) spousal battery 03/05/2003. (2) Case #2007021479 Ventura, CA Misdemeanor PC §273D(a) corporal injury to a child 06/18/2007. (3) Case #2009038904 Ventura, CA Misdemeanor PC §148.9(a) false ID to a peace officer 11/02/2009. The Immigration Judge was award of these convictions and granted Petitioner deferral of removal under CAT.

36. Respondents were fully aware of these convictions and detained him on December 17, 2025, with no notice or reasoning after 9 ½ years of him faithfully appearing to all of his ICE check-ins.

37. Thus, under INA §241(a)(3), 8 USC §1231(a)(3), there is no further direct statutory authority to detain him. It is curious to note that INA §241, 8 USC §1231, grants that authority to detain and remove non-citizens only to the Attorney General and not to the Secretary of Homeland Security or her designees or agents. Read in this way, all Respondents, except for the Attorney General, do not have any direct statutory authority to detain Petitioner for any period of time.

38. INA §241(a)(6), 8 USC §1231(a)(6) would appear to grant the Attorney General authority to detain an inadmissible non-citizen beyond the "removal period". However, this section says: "...**may** be detained beyond the removal period..." The operative word here being "may."

39. However, INA §236(a)(3), 8 USC §1231(a)(3) states that if the non-citizen "does not leave or is not removed within the removal period, the alien pending removal **shall** be subject to supervision" which "**shall** include...appear[ing] before an immigration officer periodically..."

40. The words "may" and "shall" are in direct contradiction in this context.

41. The implementing regulation for detention during the removal period states: "Once the removal period defined in section 241(a)(1) of the Act begins, an alien in the United States will be taken into custody pursuant to the warrant of removal." However, this regulation does not indicate what will or should happen once the removal period ends **ignoring the statute**. 8 CFR §241.3.

42. In addition, the regulations continue indicating that there is authority to detain non-citizens beyond the removal period, if that person has been found to be inadmissible. 8 CFR §241.4(a)(1). Again, this regulation ignores the statute.

43. "a regulation does not trump an otherwise applicable statute unless the regulation's enabling statute so provides." United States v. Maes, 546 F.3d 1066, 1068 (9th Cir. 2008). Nothing in the INA provides that the regulations trump the statute. Moreover, after Loper Bright Enterprises v. Raimondo, 603 U.S. 369; 144 S.Ct 2244, deference to an agency's interpretation of an ambiguous regulation is no longer to be given deference.

44. If Respondents wish to request the Immigration Judge remove the protection granted under the Convention Against Torture, due process would require that they petition that Immigration Court to do so, *see* 8 CFR §1208.24(f), and allow him the opportunity to respond to such a request. INA §241(b)(3)(A) & (C), 8 USC §1231(b)(3)(A) & (C).

45. As stated previously Respondents have said to Petitioner that they will removal him to a 3rd country. To repeat, no alternate country of removal was sought by Respondents, nor did Immigration Judge Ruane order one. Nor have Respondents sought to reopen Petitioner's immigration court proceedings to seek such an order.

46. Moreover, under INA §241(b)(3)(A), 8 USC §1231(b)(3)(A) the Attorney General may not remove a non-citizen to a country where the Attorney General decides that the non-citizen's

life or freedom would be threatened due to race, religion, nationality, membership in a particular social group or political opinion.

47. Before the Attorney General can make that decision, INA 241(b)(3)(C), 8 USC §1231(b)(3)(C) states "[i]n determining whether an alien has demonstrated that the alien's life or freedom would be threatened...the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations..." A non-citizen cannot carry a burden of proof or be found credible or not credible without a hearing before a trier of fact. Thus, before Petitioner can be removed (deported) to an alternate country other than Mexico, he has the right to a hearing to present evidence and testimony that his life and/or freedom would be threatened due to his race, religion, nationality, membership in a particular social group or political opinion.

48. In direct contradiction to the statute 8 CFR §1208.16(f) states that "[n]othing in this section or §1208.17 shall prevent the Service from removing an alien to a third country other than the country to which removal has been withheld or deferred." Thus, Respondents' reliance on the authority provided in 8 CFR §1208.16(f) violates Petitioner's rights under the INA and his rights to due process under the 5th Amend. to the U.S. Constitution.

49. Moreover, the regulations further ignore a non-citizen's statutory rights to a hearing where that person can present evidence to establish a threat to his or her life or freedom. 8 CFR §241.15 states that "the Secretary retains discretion to removal an alien to any country described in section 241(b) of the Act (8 U.S.C. 1231(b))..." with no mention to a non-citizen's right to object. 8 CFR§241.15(a). The regulation goes on to state that the interest of the United States is controlling, no mention of the interests or due process rights of the non-citizen. 8 CFR §241.15(f).

50. And again, ignoring the statute 8 CFR §241.15(g) states: "Nothing in this section shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person." *Compare* INA §241(b)(2)(C), 8 USC §1231(b)(2)(C).

CLAIM FOR RELIEF

VIOLATION OF THE FIFTH AMENDMENT AND STATUTORY RIGHTS TO DUE PROCES

51. Petitioner incorporates by this reference and re-alleges as though fully set forth herein the allegations of paragraphs 1 through 50 inclusive.

52. Respondents have violated Petitioner's rights to due process under the U.S. Constitution by detaining him without statutory authority.

53. INA §236, 8 USC §1226 authorizes the detention of non-citizens during the pending of removal proceedings. However, Petitioner's removal proceedings have concluded and are not pending. Thus, this authority is not applicable and to rely on it deprives Petitioner of his right to due process.

54. INA §241, 8 USC §1231 authorizes detention of non-citizens following the issuance of an administratively final order of removal and only during the removal period, 8 CFR §241.4 notwithstanding. Immigration Judge Ruane issue a final order of removal to Mexico, but she granted Petitioner protection under the Convention Against Torture and did not issue a removal order to any alternate country of removal.

55. The removal period for Petitioner was between June 27, 2016, and September 25, 2016. Respondents did not detain Petitioner during this time, but detained him in December of 2025, 9 ½ years after the removal period ended. Thus, there is no further statutory authority to detain her. Authority purportedly granted under the regulations, notwithstanding.

56. Absent detention authority under INA §236, 8 USC §1226 or §241, 8 USC §1231, Respondents' decision to detain Petitioner violates the Due Process clause of the Fifth Amendment.

57. Removing Petitioner to an alternate country other than Mexico, without affording him the right to present evidence and testimony to establish whether or not his life or freedom would be threatened due to his race, religion, nationality, membership in a particular social group or political opinion, violates his rights under INA §241(b)(3)(C) and her rights to due process under the 5th Amendment to the Constitution, regulations notwithstanding.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter.

(2) Order that Respondents not remove Petitioner from the United States or from this District.

(3) Issue an Order to Show Cause ordering Respondents to show cause as to why this Petition should not be granted.

(4) Declare that Petitioner's detention violates the Due Process clause of the 5th Amendment to the U.S. Constitution and statutory provisions cited herein.

(5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner forthwith.

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(6) In the alternative, order Respondents to grant Petitioner a bond hearing, in which Respondents must carry the burden of establishing, by clear and convincing evidence, that he is a danger to the community and/or a flight risk.

(7) Award Petitioner attorney's fees and costs under the Equal Act, and any other basis allowed by law.

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

Dated: December 20, 2025

Respectfully submitted,

s/Andrew J. Vazquez
Andrew J. Vazquez, Esq.
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 USC §2242

I represent Petitioner, Fernando Ramirez Castillo, and I 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 20th day of December, 2025.

s/ *Andrew J. Vazquez*
Attorney for Petitioner