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PETITION FOR WRIT OF HABEAS CORPUS – 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

MARTHA ISABEL CAMACHO RAMIREZ 

1:26-cv-295

Petitioner (Pro Se)

v.

WARDEN, IMPERIAL REGIONAL ADULT DETENTION FACILITY;

SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY;

DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),

Respondents.

I. INTRODUCTION

Petitioner, Martha Isabel Camacho Ramirez, respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of her current detention by United States immigration authorities.

Petitioner is being detained without access to an individualized bond hearing, under an erroneous legal classification, despite being physically present within the United States, having a pending appeal before the Board of Immigration Appeals ("BIA"), posing neither a danger to the community nor a flight risk, and having continuously complied with United States immigration laws.

Petitioner lawfully entered the United States on November 17, 2023, through a scheduled appointment using the CBP One application at the San Ysidro Port of Entry, California. She subsequently received a Form I-94 authorizing her presence in the United States until November 15, 2025.

Additionally, Petitioner had a pending affirmative asylum application before USCIS and possessed employment authorization since 2024 at the time of her detention.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in federal custody.

Venue is proper in this District because Petitioner is currently detained at:

Imperial Regional Adult Detention Facility 1572 Gateway Road Calexico, California 92231

III. STATEMENT OF FACTS

Petitioner is a citizen of Mexico, [REDACTED]

She entered the United States on November 17, 2023, through a scheduled appointment using the CBP One application at the San Ysidro Port of Entry, California.

Upon entry, she was inspected and processed by United States immigration authorities and was issued a Form I-94 authorizing her presence in the United States until November 15, 2025.

Thereafter, she was placed in immigration proceedings and was issued a Notice to Appear (NTA).

However, in December 2023, an Immigration Judge closed and dismissed her immigration proceedings.

Following the closure of her case, Petitioner continued to comply with immigration procedures authorized by the United States Government and filed an affirmative asylum application with USCIS.

Petitioner obtained employment authorization and worked lawfully within the United States beginning in 2024.

Petitioner established a stable residence in National City, California, where she remained available to immigration authorities at all times.

Petitioner has no criminal history or criminal record of any kind.

On February 24, 2026, while traveling with her mother from Arizona to California, she was detained by Border Patrol agents during a vehicle stop near Los Angeles, California.

Petitioner fully cooperated with authorities, presented the requested documentation, and answered all questions posed by the agents.

At the time of her detention, she was not committing any crime nor violating any state or federal law.

The detention was carried out without a judicial warrant.

ICE subsequently assumed custody of Petitioner.

Petitioner never received an adequate explanation regarding the legal basis used to reopen immigration proceedings that had previously been closed by an Immigration Judge.

ICE subsequently reactivated removal proceedings that had previously been closed.

As a result of that reopening, an Immigration Judge later denied Petitioner's asylum application.

Petitioner timely appealed that decision to the Board of Immigration Appeals (BIA), where her case remains pending without a defined date for resolution.

ICE determined that Petitioner was not eligible for bond ("No Bond"), denying her access to an individualized hearing.

IV. LEGAL ARGUMENT

A. Improper Application of Mandatory Detention (INA § 235(b))

Petitioner is being treated as subject to mandatory detention under INA § 235(b), which is incorrect.

Petitioner:

- Was not seeking admission at the time of her detention;
- Was not located at a port of entry;
- Was not attempting to enter or reenter the United States;
- Was physically present within the United States;
- Had previously been inspected and admitted through official CBP processing;
- Possessed a valid Form I-94;
- Had a pending asylum application before USCIS.

Accordingly, the application of INA § 235(b) is legally improper.

B. Violation of Due Process – Fifth Amendment

Petitioner's detention without access to a bond hearing constitutes a direct violation of substantive and procedural due process.

The Fifth Amendment protects all persons physically present within the United States from arbitrary deprivations of liberty.

Relevant cases include:

Singh v. Holder, 638 F.3d 1196 (9th Cir. 2011);

Casas-Castrillon v. DHS, 535 F.3d 942 (9th Cir. 2008);

Nadarajah v. Gonzales, 443 F.3d 1069 (9th Cir. 2006).

These cases recognize the necessity of individualized review when a person remains detained during prolonged immigration proceedings.

C. Violation of the Fourth Amendment

Petitioner was detained:

- Without a judicial warrant;
- Without individualized probable cause;
- Despite fully cooperating with authorities;
- Despite not committing any crime.

Such circumstances constitute an unreasonable seizure under the Fourth Amendment.

D. Erroneous Classification and Denial of a Bond Hearing

Petitioner should be subject to INA § 236(a), which provides the right to an individualized bond hearing.

ICE's denial constitutes:

- Arbitrary detention;
- Lack of individualized review;
- Violation of fundamental rights;
- Improper deprivation of liberty.

E. Due Process Violation Resulting from the Reopening of Previously Closed Proceedings

An Immigration Judge previously closed and dismissed Petitioner's immigration proceedings.

Thereafter, Petitioner reasonably relied upon that judicial decision, filed an affirmative asylum application with USCIS, obtained employment authorization, and remained available to immigration authorities.

The subsequent reopening of removal proceedings by ICE, followed by prolonged detention, raises serious constitutional due process concerns.

F. Suspension Clause – Article I, Section 9

The effective denial of judicial review through prolonged detention without an individualized hearing violates the Suspension Clause of the United States Constitution.

G. Favorable Case Law

Federal courts have consistently recognized that immigration detention without individualized review may violate the Constitution.

The United States Supreme Court has held that civil immigration detention is subject to constitutional limitations:

Zadvydas v. Davis, 533 U.S. 678 (2001);

Demore v. Kim, 538 U.S. 510 (2003);

Jennings v. Rodriguez, 583 U.S. 281 (2018).

Physical liberty is among the fundamental interests protected by the United States Constitution.

V. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Declare that her detention is unlawful and unconstitutional;
2. Order that she not be transferred while this case is pending;
3. Order her immediate release; or, in the alternative,
4. Order an individualized bond hearing at which the Government bears the burden of proving by clear and convincing evidence that continued detention is necessary;
5. Grant any other relief that this Court deems just and proper.

VI. VERIFICATION

I, Martha Isabel Camacho Ramirez, declare under penalty of perjury that the foregoing is true and correct.

Martha Camacho

MARTHA ISABEL CAMACHO RAMIREZ Pro Se



Imperial Regional Adult Detention Facility 1572 Gateway Road Calexico, California 92231

Date: 06-11-2026