Zandra L. Lopez
CA Bar 216567
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
Zandra_Lopez@fd.org

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILBEL FRANCSHESCO CAMACHO-DIAZ,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Warden at Otay Mesa Detention Center,

Respondents.

CASE NO.: '26CV3885 JAO SBC

Petition for Writ of Habeas Corpus

[Civil Immigration Habeas Petition Under 28 U.S.C. § 2241]

INTRODUCTION

Wilbel Francshesco Camacho-Diaz was born in Venezuela and allowed into the United States so that he can apply for asylum in 2023.

An immigration judge ordered him removed on January 12, 2026. On April 4, ICE agents arrested Mr. Camacho-Diaz and told him that his order of removal was to Ecuador. Based on information and belief, it appears that an immigration judge pretermitted his application for asylum and ordered him removed to Ecuador, under the Asylum Cooperative Agreement. Six months have passed since he was ordered removed, yet Respondents have not physically deported him to Ecuador.

This is likely because the Asylum Cooperative Agreement with Ecuador has an annual cap of 300 cases. *See* Exhibit A, "The U.S.-Ecuador Asylum Cooperative Agreement: Why It Fails the Law and Endangers Asylum Seeker," Center for Gender and Refugee Studies, March 25, 2026. But "[s]ince November 2025, more than 8,000 non-Ecuadorian nationals have had Ecuador designated as a country of removal pursuant to the ACA." *Id.* In other words, less than 4% of individuals ordered removed to Ecuador could be physically removed there in any given year. And in practice, immigration judges have ordered more than 15,000 asylum seekers removed to third countries but have only carried out 100-200 of those removals. Because this "success" rate of about 1% shows that "there is no significant likelihood of removal in the reasonably foreseeable future," *Zadvydas v. Davis*, 533 U.S. 678 (2001), this Court should order Mr. Camacho-Diaz's release.

STATEMENT OF FACTS

Mr. Camacho-Diaz was born in Venezuela. *See* Exhibit B, Declaration of Camacho-Diaz at ¶ 1. He entered the United States around September 2023, to apply for asylum. *Id.* at ¶ 2. Officials initially took him into custody and then

released him into the country. *Id.* at ¶ 2. After he was released, Mr. Camacho-Diaz received a work permit and worked as a waiter at a restaurant. *Id.* at ¶ 3.

On January 12, 2026, an immigration judge ordered him removed. *Id.* at ¶4. Mr. Camacho-Diaz believes that a motion to reopen was filed on his behalf but he does not know the status. *Id.* He subsequently learned that an immigration hearing set for March 13 was cancelled. *Id.* at ¶ 5.

On April 4, 2026, Mr. Camacho-Diaz was arrested by ICE at his work. *Id.* at ¶6. An ICE officer told him that there was a final order of removal to Ecuador. *Id.* The agent told Mr. Camacho-Diaz that he could apply for asylum when he is in Ecuador. *Id.*

Based on information and belief, the government moved to pretermit Mr. Camacho-Diaz's application for asylum and order him removed to Ecuador. Based on information and belief, an immigration judge granted this motion and ordered him removed to Ecuador.

Although it appears that Mr. Camacho-Diaz's order of removal became six months ago, ICE has not removed him to Ecuador.

CLAIM FOR RELIEF

This Court should grant this petition and order Mr. Camacho-Diaz's immediate release. *Zadvydas v. Davis* holds that immigration statutes do not authorize the government to detain immigrants for whom there is "no significant likelihood of removal in the reasonably foreseeable future." 533 U.S. 678, 701 (2001). Because Mr. Camacho-Diaz is a citizen of Venezuela but was ordered removed to Ecuador under ACA, and because only about 1% of individuals are actually being removed to ACA countries such as Ecuador, he can make this showing.

I. Count One: Petitioner's detention violates *Zadvydas* and 8 U.S.C. § 1231.

A. Legal background

Mr. Camacho-Diaz's continued incarceration violates the statute authorizing detention, 8 U.S.C. § 1231(a)(6). In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered a problem affecting similarly situated people. Federal law requires ICE to detain an immigrant during the "removal period," which typically spans the first 90 days after the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-(2). After that 90-day removal period expires, detention becomes discretionary—ICE may detain the migrant while continuing to try to remove them. *Id.* § 1231(a)(6). Ordinarily, this scheme would not lead to excessive detention, as removal happens within days or weeks. But some detainees cannot be removed quickly. Perhaps their removal "simply require[s] more time for processing," or they are "ordered removed to countries with whom the United States does not have a repatriation agreement," or their countries "refuse to take them," or they are "effectively 'stateless' because of their race and/or place of birth." *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and other circumstances, detained immigrants can find themselves trapped in detention for months, years, decades, or even the rest of their lives.

If federal law were understood to allow for "indefinite, perhaps permanent, detention," it would pose "a serious constitutional threat." *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided the constitutional concern by interpreting § 1231(a)(6) to incorporate implicit limits. *Id.* at 689.

As an initial matter, *Zadvydas* held that detention is "presumptively reasonable" for at least six months. *Id.* at 701. This acts as a kind of grace period for effectuating removals.

Following the six-month grace period, courts must use a burden-shifting framework to decide whether detention remains authorized. First, the petitioner must make a prima facie case for relief: He must prove that there is "good reason

to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.*

If he does so, the burden shifts to "the Government [to] respond with evidence sufficient to rebut that showing." *Id.* Ultimately, then, the burden of proof rests with the government: The government must prove that there is a "significant likelihood of removal in the reasonably foreseeable future," or the immigrant must be released. *Id.*

B. There is good reason to believe there is no significant likelihood of removal to Ecuador under the Asylum Cooperative Agreement.

Based on the EOIR website, Mr. Camacho-Diaz was ordered removed on January 12, 2026 and no appeal was received in this case.[1] Thus, the order of removal became administratively final on that date. Thus, the 90-day mandatory detention removal period for Mr. Camacho-Diaz expired three months ago on April 12, 2026. And Mr. Camacho-Diaz has been detained for an additional three months. Accordingly, this Court must release Mr. Camacho-Diaz if he can show there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. He can.

First, the text of the Asylum Cooperative Agreement between the United States and Ecuador does not state how many deportees Ecuador shall accept per year. *See* Agreement Between the Government of the United States of America and the Government of the Republic of Ecuador Relating to the Transfer of Third-Country Nationals to Ecuador, 90 Fed. Reg. 51376 (Nov. 17, 2025).[2] However, "[p]revious declarations indicated that Ecuador may receive 300 refugees"

[1] https://acis.eoir.justice.gov/en/caseInformation

[2] https://immpolicytracking.org/policies/united-states-and-ecuador-sign-asylum-cooperative-agreement/#/tab-policy-documents.

annually from the United States under this agreement.[3] But since November 2025, immigration judges have pretermitted the asylum applications of 8,675 individuals and ordered them removed to Ecuador.[4] In other words, even if Ecuador accepted the maximum number of annual deportees, only 3.4% of people ordered removed to Ecuador would actually be physically deported there.

But reports suggest that Ecuador is actually accepting far fewer. "Most third countries have received only a few dozen people or fewer, on flights without a regular cadence."[5] According to a Human Rights First and Refugees International report, immigration judges have "[p[retermitted more than 15,000 individual asylum claims under the Asylum Cooperative Agreements (ACA)" but only physically deported "between 100-200 people to ACA countries."6 This means that a person ordered deported to an ACA country has a .6% and 1.3% chance of actually being removed there. This easily satisfies the burden of showing that there is "no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701.

Importantly, Mr. Camacho-Diaz was only ordered removed to Ecuador, not to Venezuela—the country of his citizenship and the only country that would likely accept him. Because Mr. Camacho-Diaz has thus shown there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701, this Court should order his

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[3] https://mixedmigration.org/articles/the-us-seeks-to-remake-cooperation-on-migration-through-bilateral-agreements/.

[4] https://www.refugeesinternational.org/statements-and-news/human-rights-first-and-refugees-international-third-country-deportation-watch-details-scope-secrecy-and-human-toll-of-third-country-transfer-agreements/

[5] https://www.thirdcountrydeportationwatch.org/

[6] https://www.humanrightsfirst.org/library/human-rights-first-and-refugees-international-third-country-deportation-watch-details-scope-secrecy-and-human-toll-of-third-country-transfer-agreements

immediate release.

II. This Court must hold an evidentiary hearing on any disputed facts.

Resolution of a prolonged-detention habeas petition may require an evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Petitioner hereby requests such a hearing on any material, disputed facts.

III. Prayer for relief

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

1. Order Respondents to immediately release Petitioner from custody;
2. Enjoin Respondents from re-detaining Petitioner unless and until ICE obtains a travel document for his removal; and

Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: July 6, 2026

s/ Zandra L. Lopez

Zandra L. Lopez
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Camacho-Diaz
Email: Zandra_Lopez @fd.org

Ecuador's homicide rate reached a record high in 2025, rising 31 percent from 2024 to 50.9 per 100,000 people. Civil society organizations documented 411 femicides in the country in 2025 alone. Violence has become increasingly dispersed and volatile, characterized by the recruitment of minors and the use of explosives. Law enforcement operations targeting criminal leaders have fragmented established gangs into smaller, more aggressive factions that form unpredictable alliances, creating further instability.

The growing crisis has forced people from their homes. According to the International Organization for Migration, approximately 125,000 people, including refugees and others already displaced, have been internally displaced within Ecuador over the past five years. Conflict and violence account for 60 percent of this displacement, while disasters account for 40 percent. Between January and October 2024 alone, over 80,000 individuals were displaced due to insecurity, with survey data indicating that all respondents experienced violence, including robbery, sexual assault, or homicide, while nearly half reported being victims of extortion.

Refugees and asylum seekers are not shielded from this danger. UNHCR has documented that refugees and other displaced people in Ecuador live in fear of criminal gang violence, extortion, and gender-based violence, with many staying home and avoiding going outdoors as a self-protection measure. Criminal and violent practices have become normalized in many of the communities where they live. Amnesty International found that Venezuelan refugee women face widespread gender-based violence while being denied access to justice and safe shelters, with institutional xenophobia compounding their vulnerability.

This denial of justice reflects a broader collapse of accountability in Ecuador. Organized crime has systematically infiltrated Ecuador's justice system, with criminal networks using bribes ranging from $1,000 to over $100,000 to manipulate legal proceedings. The state faces a deficit of at least 600 prosecutors, and officials lack basic protection. The resulting impunity is severe. An estimated 90 percent of investigations into violent offenses never progress past a preliminary stage.

Barriers to Integration and Basic Needs

With 28 percent of the population, approximately 5.2 million people, living in poverty, Ecuador's capacity to absorb and protect additional vulnerable populations is severely limited. Structural economic exclusion and escalating violence have pushed large numbers of Ecuadorians to leave. Approximately 10 percent of Ecuadorian nationals now live abroad. In 2024 alone, over 90,000 Ecuadorians entered Mexico irregularly, and CBP has recorded more than 250,000 encounters with Ecuadorian nationals since 2023.

Refugees and migrants in Ecuador face severe hardship meeting their most basic needs. Even the Department of State has documented that discrimination creates barriers to their integration and limits their access to housing, employment, and education. Among Colombian households, 84 percent lack access to basic needs and 31 percent lack access to employment. For Venezuelans, 55 percent lack access to food, 67 percent to adequate housing or shelter, and 53 percent to stable livelihoods. A severe humanitarian funding gap makes this worse. UNHCR in Ecuador has received only 7 percent of its total funding needs for this year, and many NGOs working in the country have had to suspend or significantly reduce their services, further limiting the support available for this population.

Congress Must Act

The U.S.-Ecuador ACA is being used to strip people of their right to seek asylum and expose them to serious harm. Congress should demand transparency on transfers under the agreement, hold oversight hearings on Ecuador's human rights conditions and its asylum system, and condition further funding and implementation on demonstrated compliance with the statutory requirements Congress established.