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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOSUE ALBERTO RAMOS-GARCIA,

Petitioner

v.

JEREMY CASEY, Warden of Imperial Regional Detention Facility *et al.*,

Case No.: 26-cv-03957-BAS-DEB

PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I. Introduction

Petitioner challenges the constitutionality of his continued immigration detention following the government's revocation of a previously granted liberty interest. This case does not present a dispute over the government's authority to conduct removal proceedings or to make immigration enforcement decisions generally. Rather, it presents the constitutional question whether the Department of Homeland Security may revoke a noncitizen's previously granted liberty after more than a decade of government-authorized release without first providing constitutionally adequate notice, a meaningful opportunity to be heard, or any individualized determination justifying re-detention.

Respondents' Opposition effectively acknowledges that, if this Court adheres to its prior re-detention decisions, those decisions control the outcome here. Respondents expressly

acknowledge that this Court's prior decisions "will control the result here" because "the facts are not materially distinguishable for purposes of the Court's decision." On that basis, Respondents do not oppose the Petition and defer to the Court regarding the appropriate relief. Respondents therefore identify no basis for departing from this Court's established due process analysis.

The constitutional violation is straightforward. Petitioner was released from government custody as an unaccompanied minor in 2012 and thereafter remained at liberty in the United States for more than a decade. During that period, his removal proceedings were administratively closed, he complied with immigration requirements, remained available to immigration authorities, and continued living openly in the community. Respondents do not contend that Petitioner violated the conditions of his release, became a danger to the community, presented a flight risk, or engaged in any conduct justifying the abrupt revocation of his liberty.

Instead, Respondents seek to justify Petitioner's continued detention solely through a generalized statutory argument under INA § 235(b), without addressing the constitutional consequences of revoking a previously granted liberty interest after more than a decade of government-authorized release. As this Court has already recognized, however, once the government releases a noncitizen from custody, due process prohibits re-detention without constitutionally adequate procedures and materially changed circumstances justifying that deprivation of liberty. Because Respondents identify no meaningful factual distinction from this Court's prior decisions and no constitutionally sufficient justification for Petitioner's re-detention, the Petition should be granted and Petitioner immediately released.

II. The Petition Challenges the Revocation of Petitioner's Previously Granted Liberty Without Constitutionally Adequate Process

Respondents' Opposition does not meaningfully respond to the constitutional claim presented in the Petition. Rather than addressing whether the government may revoke Petitioner's previously granted liberty without constitutionally adequate procedures, Respondents rely almost exclusively upon a generalized statutory argument concerning INA § 235(b).

That argument does not resolve the constitutional issue before the Court. Petitioner does not challenge the government's authority to conduct removal proceedings or to enforce the immigration laws. Nor does he contend that DHS lacks authority to detain noncitizens in appropriate circumstances. Instead, the Petition challenges Respondents' decision to revoke Petitioner's previously granted liberty after more than a decade of government-authorized release without prior notice, without a meaningful opportunity to be heard, and without any individualized determination that such detention was constitutionally justified.

The relevant facts are undisputed. DHS released Petitioner from custody in 2012 and permitted him to remain at liberty in the United States for more than a decade. During that period, Petitioner's removal proceedings were administratively closed, he complied with immigration requirements, remained available to immigration authorities, and continued residing openly in the community. Respondents do not contend otherwise.

Most significantly, Respondents do not identify any constitutionally significant event during Petitioner's more than a decade of government-authorized release that justified revoking his liberty. They do not contend that Petitioner violated the conditions of his release. They do not contend that he became a danger to the community or a flight risk. Nor do they identify any materially changed circumstance explaining why detention suddenly became necessary after more than a decade of government-authorized liberty.

Instead, Respondents seek to justify Petitioner's continued detention solely by asserting that INA § 235(b) governs his custody. But regardless of Respondents' present statutory theory, the constitutional question remains the same: whether the government may revoke a liberty interest that it previously created without first providing constitutionally adequate procedures. Respondents' Opposition does not answer that question.

Because Respondents fail to explain how the revocation of Petitioner's previously granted liberty complied with the requirements of the Due Process Clause, their statutory arguments do not defeat the constitutional claim presented in the Petition.

III. Respondents Fail to Justify the Revocation of Petitioner's Previously Granted Liberty

The Due Process Clause protects individuals against arbitrary governmental deprivations of liberty. Once the government affirmatively releases an individual from physical custody and permits that individual to remain at liberty in the community, the government may not later revoke that liberty without constitutionally adequate procedures. Respondents' Opposition does not explain how those constitutional requirements were satisfied here.

The relevant facts are undisputed. Petitioner was released from government custody as an unaccompanied minor in 2012 and thereafter remained at liberty in the United States for more than a decade. During that period, his removal proceedings were administratively closed, he complied with immigration requirements, remained available to immigration authorities, and continued living openly in the community.

Most significantly, Respondents do not contend that Petitioner's re-detention resulted from any violation of the conditions of his release, any danger to the community, any risk of flight, or any materially changed circumstance arising after his release. They identify no individualized facts explaining why detention suddenly became necessary after more than a decade of government-authorized liberty.

Instead, Respondents rely exclusively upon a generalized statutory argument concerning INA § 235(b). But that argument does not answer the constitutional question presented by this case. Regardless of Respondents' present statutory theory, they do not explain why the government could revoke Petitioner's previously granted liberty without prior notice, without a meaningful opportunity to be heard, and without any individualized determination justifying that deprivation of liberty.

This Court has already recognized that the government's decision to release a noncitizen from custody creates a protected liberty interest that cannot later be revoked absent constitutionally adequate procedures and materially changed circumstances. In granting habeas relief under materially similar circumstances, this Court held that re-detention without notice or

an opportunity to be heard, and without materially changed circumstances, violates the Due Process Clause, notwithstanding the government's assertion that the petitioner remained subject to detention under INA § 235(b).

The same reasoning governs here. Having previously released Petitioner and permitted him to remain at liberty in the community for more than a decade, Respondents cannot justify revoking that liberty merely by invoking a generalized statutory detention provision. Because Respondents identify no constitutionally adequate procedures and no individualized justification supporting Petitioner's re-detention, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

IV. Immediate Release Is the Appropriate Remedy

The constitutional violation was complete when Respondents revoked Petitioner's previously granted liberty without constitutionally adequate procedures. Because that injury has already occurred, the traditional function of habeas corpus is to restore the liberty that was unlawfully taken. Immediate release is therefore the appropriate remedy.

This Court has already ordered that remedy under materially similar circumstances. In *Guifarro-Guerrero v. Noem*, Case No. 3:26-cv-02107-BAS-DEB (S.D. Cal. Apr. 24, 2026), this Court held that although the petitioner had originally been subject to detention under INA § 235(b), Respondents violated the Due Process Clause by re-detaining her without notice, without an opportunity to be heard, and without materially changed circumstances justifying the revocation of her previously granted liberty. The Court therefore ordered that the petitioner "be released on the same terms and conditions as she was previously released."

The same result is warranted here. Respondents identify no meaningful factual distinction between this case and this Court's prior decision. Petitioner likewise was previously released from government custody, remained at liberty in the community for more than a decade, complied with immigration requirements, and was re-detained without any identified violation of his release conditions or any materially changed circumstance justifying the deprivation of his liberty. Respondents do not oppose the Petition and expressly acknowledge that this Court's prior

decisions "will control the result here" because "the facts are not materially distinguishable for purposes of the Court's decision."

Respondents nevertheless suggest that, if relief is granted, the Court should merely order a future custody hearing. That remedy does not fully redress the constitutional injury already inflicted. The Due Process Clause protects against the unlawful deprivation of liberty itself. Once that deprivation has occurred without constitutionally adequate procedures, habeas corpus restores the liberty unlawfully taken. A future custody hearing may determine whether continued detention is justified, but it does not remedy the unconstitutional revocation of Petitioner's previously granted liberty.

Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus and order his immediate release on the same terms and conditions under which he previously remained at liberty.

In the alternative, should the Court decline to order immediate release, Petitioner respectfully requests that the Court order a prompt constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of establishing, by clear and convincing evidence, that continued detention is necessary because Petitioner presents a danger to the community or a risk of flight, and at which less restrictive alternatives to detention are considered.

V. Conclusion

For the foregoing reasons, Respondents have failed to establish that Petitioner's continued detention complies with the Due Process Clause of the Fifth Amendment. Respondents identify no constitutionally adequate procedure preceding the revocation of Petitioner's previously granted liberty, no materially changed circumstance justifying his re-detention after more than a decade of government-authorized release, and no meaningful basis for departing from this Court's prior re-detention decisions. Indeed, Respondents expressly acknowledge that this Court's prior decisions "will control the result here" because "the facts are not materially

distinguishable for purposes of the Court's decision," do not oppose the Petition, and defer to the Court regarding the appropriate relief.

Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus and order his immediate release on the same terms and conditions under which he previously remained at liberty.

In the alternative, should the Court decline to order immediate release, Petitioner respectfully requests that the Court order a prompt constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of establishing, by clear and convincing evidence, that continued detention is necessary because Petitioner presents a danger to the community or a risk of flight, and at which less restrictive alternatives to detention are considered.

Petitioner further respectfully submits that the Court may rule directly on the merits of the Petition based on the existing record. Respondents have fully addressed the merits of Petitioner's claims, expressly do not oppose the Court resolving the Petition on the present record, and have identified no factual dispute requiring an evidentiary hearing.

Respectfully Submitted.

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