CASSANDRA LOPEZ (SBN 260919)
AL OTRO LADO
511 E. San Ysidro Blvd, #333
San Ysidro, CA 92173
Telephone: 619.730.5891
Fax: 619.345.4693
Email: cassandra.l@alotrolado.org

Attorneys for Mr. Ramirez Perez

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JEFRY GILBERTO RAMIREZ PEREZ *Petitioner*, v. JEREMY CASEY, Facility administrator at the Imperial Regional Detention Facility, PATRICK DIVVER, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, and TODD BLANCHE, Acting U.S. Attorney General.	**VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE WITHIN THREE DAYS, AND COMPLAINT FOR DECLARATORY RELIEF** **'26CV4201 JES DEB**

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241[1]

INTRODUCTION

1. Petitioner Jefry Ramirez Perez files this petition for a writ of habeas corpus challenging his unlawful arrest by Immigration and Customs Enforcement ("ICE") agents and his current unlawful detention in the custody of the Department of Homeland Security ("DHS").

2. Petitioner is a twenty-four-year-old resident of Southern California. On April 25, 2026, at about 8:00 a.m., he was stopped and detained by border patrol agents while he was on his way to work in Indio, California. The agents who arrested Petitioner never told him that they had a warrant for his arrest, nor did they show one to Petitioner. The agents told Petitioner that they had stopped him because he "looked suspicious."

3. Petitioner has been in custody at the Imperial Regional Detention Facility (IRDF) in Calexico, California since that time.

4. At the time of his arrest, Petitioner was living with his domestic partner in Cathedral City. They have lived together for about four years and had been living at the same address for the past two years.

5. Petitioner was originally held without bond. He filed a habeas petition in the Southern District of California in case No. 26-CV-3066-CAB-DEB. The federal court granted the petition and ordered the Respondents to "provide Petitioner an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. §1226(a) and its associated regulations by June 17, 2026." *See* 26-CV-3066-CAB-DEB, Dkt. No. 4.

6. The immigration court held a bond hearing for Mr. Ramirez Perez on

[1] Mr. Ramirez Perez previously filed a habeas petition in Case No.: 26-CV-3066-CAB-DEB. The instant petition raises a separate ground challenging Mr. Ramirez-Perez's detention as unlawful and is therefore not duplicative of the petition filed in Case No.: 26-CV-3066-CAB-DEB.

June 17, 2026. At that hearing, the judge denied bond based on risk of flight.

7. Petitioner fears returning to his country of origin and applied for asylum, withholding of removal, and protection under the Convention Against Torture. The judge denied his application for asylum, withholding of removal, and protection under the Convention Against Torture on June 20, 2026. Petitioner filed a notice of appeal to the Board of Immigration Appeals (BIA) and his appeal remains pending.

8. Mr. Ramirez Perez has no criminal history and will return to live with his domestic partner if released from immigration custody.

9. Because Respondents have improperly detained Mr. Ramirez Perez under 8 U.S.C. § 1225, and did not "compl[y] with the express terms of section 1226 when [they] detained" him through the "[i]ssuance of a[n administrative] warrant," this Court must order his "immediate release." *JAACP v. Wofford*, No. 25-cv-1354-KES-SKO, 2025 WL 3013328, *8 (E.D. Cal. Oct. 27, 2025); *accord R.D. v. Bondi*, No. 26-cv-1904-ECT-EMB, 2026 WL 788263, *2 (D. Minn. Mar. 20, 2026) (collecting cases ordering immediate release in the absence of a warrant); *Cruz Pedraza v. Larose,* 26-cv-2697-LL-MSB, ECF 12 at 4 (S.D. Cal. May 27, 2026) (finding that because petitioner was "arrested by ICE without a warrant," immediate release is the "appropriate remedy"); *Arias v. Noem*, 818 F. Supp. 3d 864 (W.D. Tx. Jan. 31, 2026) ("administrative warrants issued by the executive branch to itself do not pass probable cause muster"); *Alberto C.M. v. Noem*, 817 F.Supp.3d 735 (D. Minn. January 23, 2026) (issuance of an arrest warrant is a necessary condition to justify discretionary detention under section 1226(a)).

10. Petitioner's detention violates his rights under the Immigration and Nationality Act, the Fourth Amendment of the U.S. Constitution, and the Administrative Procedure Act. His continued detention based on his unlawful arrest also violates his due process rights under the Fifth Amendment.

11. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody.

JURISDICTION AND VENUE

12. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution (Suspension Clause), as Petitioner is presently in custody under the authority of the United States and challenges his detention as in violation of the Constitution, laws, or treaties of the United States.

13. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

14. Venue is proper in the Southern District of California, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Petitioner is detained at IRDF in Calexico, California.

REQUIREMENTS OF 28 U.S.C. § 2243 (IMMEDIATE ISSUANCE OF WRIT OF HABEAS CORPUS OR OSC THEREON)

15. 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 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days is allowed." *Id.*

16. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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 and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added). "The application for the

writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him [or her] within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

17. Petitioner Jefry Ramirez Perez is currently detained by Respondents in the Imperial Regional Detention Facility in despite having been previously paroled into the United States.

18. Respondent Jeremy Casey is the facility administrator at IRDF where Petitioner is currently detained. He is thus Petitioner's immediate custodian. He is sued in his official capacity.

19. Respondent Patrick Divver is the Director of ICE's San Diego Field Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial Counties, including IRDF, and is thus Petitioner's immediate custodian. He is sued in his official capacity.

20. Respondent Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including noncitizen detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

21. Respondent Markwayne Mullin is the Secretary of DHS, which is responsible for the administration of ICE and the implementation and enforcement of the immigration laws. As such, Mr. Mullin is the ultimate legal custodian of Mr. Ramirez Perez. He is sued in his official capacity.

22. Respondent Todd Blanche is the Acting Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility for implementation and enforcement of the immigration laws with Respondent Mullin. Mr. Blanche is a legal custodian of Mr. Ramirez Perez. He is sued in his

official capacity.

STATEMENT OF FACTS

23. Mr. Ramirez Perez is a 24-year-old resident of Southern California.

24. Prior to his arrest he was living with his domestic partner at their home in Cathedral City. Mr. Ramirez Perez and his domestic partner have lived together for about four years and have lived at the same address for the past two years.

25. On April 25, 2026, at about 8:00 a.m., Petitioner was detained during a traffic stop by Border Patrol in Indio, California. *See* Ex. A. At that time, Petitioner and his uncle were on their way to work as landscapers when suddenly a border patrol vehicle started following them. Petitioner yielded when the border patrol agents initiated a stop. When the two uniformed and armed agents wearing bullet proof vests approached the vehicle, Mr. Ramirez Perez asked why he was being stopped and the agents told him that he "looked suspicious." When the agents approached the vehicle, Petitioner had his phone in his hand. The agents knocked on the window and, in English, told him to turn off the phone. Petitioner rolled the window down and one of the agents aggressively knocked the phone out of his hand. The phone flew out of his hand, hit the ceiling of the car, and then fell to the ground inside of the car.

26. The agents ordered Petitioner and his uncle out of the car and handcuffed them, addressing Petitioner in a harsh tone. The handcuffs were initially too tight. Mr. Ramirez Perez told the agents approximately six times that the handcuffs were hurting him before they loosened them. At first, Petitioner was frightened of the agents because their demeanor was aggressive, and the agents were armed. Petitioner was also afraid of the agents because of the media reports regarding how immigration agents have treated people around the country.

27. The agents who arrested Petitioner never told him that they had a warrant for his arrest, nor did they show one to Petitioner. They did not show him any papers. He was never told why he had been stopped aside from the agents telling Petitioner that he looked suspicious. There is no indication on the I-213 that the

agents produced a warrant at the time of Mr. Ramirez Perez's arrest. Ex. A.

28. The immigration court held a bond hearing for Mr. Ramirez Perez on June 17, 2026. At that hearing, the judge denied bond based on risk of flight. The immigration judge's order denying bond states: "under the factors the Court must consider pursuant to Matter of Guerra, 24 I&N Dec. 37 (BIA 2006), the Respondent poses a risk of flight. Respondent entered the United States illegally. The Respondent has lived in the United States for three years, but has not obtained work authorization or a valid driver's license. He has no family in this country who could assist him with the legalization of his status. His proposed sponsor, his cousin's wife Diana Reyes, has insufficient income to support herself and her family, much less the Respondent. Additionally, the Respondent has limited relief available to him, given that he arrived in the U.S. in 2023 and did not file an I-589 until 2026, thereby subjecting himself to the one-year asylum bar." Ex. B.

29. Mr. Ramirez Perez has no criminal history. Ex. A. He had lived with his partner in the same house in Cathedral City for two years. He is friendly with his neighbors, occasionally sharing meals with them and he attends a local Christian church in his community. He is a valued member of his community. Prior to his arrest, he had worked for the same landscaping business for about two years. He also worked independently, picking up additional landscaping jobs on the side to earn extra money.

LEGAL FRAMEWORK

30. Court have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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 and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes,* 433 U.S. 72 (1977)) (emphasis added). "The application for the

writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). Challenges to immigration confinement "fall within the 'core' of the writ of habeas corpus." *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025) (quoting *Nance v. Ward*, 597 U.S. 159, 167 (2022)). The Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004).

Petitioner's Right to be Free from Unlawful and Warrantless Seizure

31. A challenge to one's confinement necessarily implicates the legality of the process that led to the individual's detention. The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . . ." U.S. Const. amend. IV. Under the Fourth Amendment, the initial seizure of a person—even to effectuate detention under immigration law—must be reasonable.

32. "The touchstone of the Fourth Amendment is reasonableness . . . ." *United States v. Knights*, 534 U.S. 112, 118 (2001). This is "generally assessed by carefully weighing 'the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.'" *County of Los Angeles v. Mendez,* 581 U.S. 420, 427 (2017) (quoting *Tennessee v. Garner*, 471 U.S. 1, 8 (1985)). Overall, reasonableness is an objective inquiry that "is evaluated by looking at the 'totality of the circumstances.'" *Case v. Montana*, 607 U.S. ---, 146 S. Ct. 500, 508 (2026) (first quoting *Barnes v. Felix,* 605 U.S. 73, 80 (2025); and then quoting *Ohio v. Robinette*, 519 U.S. 33, 39 (1996)).

33. The Fourth Amendment's purpose of restraining arbitrary power governs searches, seizures, and identification demands across both criminal and civil contexts, including immigration enforcement. See, e.g., *Torres v. Madrid*, 592 U.S.

306, 321 (2021); *see also Grady v. North Carolina*, 575 U.S. 306, 307–11 (2015) (holding that a civil program that used GPS ankle bracelets to monitor recidivist sex offenders was a violation of the Fourth Amendment and constituted a search); *INS v. Delgado*, 466 U.S. 210, 216 (1984) (explaining that absent a reasonable suspicion of misconduct, detaining an individual to determine his identity when the individual refuses to show his identification violates the Fourth Amendment); *Brown v. Texas*, 443 U.S. 47, 50 (1979) ("[W]hen the officers detained [defendant] for the purpose of requiring him to identify himself, they performed a 'seizure' of his person subject to the requirements of the Fourth Amendment.").

34. The Supreme Court has recognized that the Fourth Amendment extends to noncitizens who have "substantial connections" to the United States. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 272–73 (1990) ("[A]liens receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country."); *see also United States v. Brignoni-Ponce*, 422 U.S. 873, 878, 881–82 (1975) ("For the same reasons that the Fourth Amendment forbids stopping vehicles at random to inquire if they are carrying aliens who are illegally in the country, it also forbids stopping or detaining persons for questioning about their citizenship on less than a reasonable suspicion that they may be aliens."); *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1046 (1984) (assuming, without deciding, that the Fourth Amendment applied to noncitizens in the United States illegally and stressing the importance of "Fourth Amendment rights of all persons").

35. Several circuit courts have similarly recognized or assumed that the Fourth Amendment applies to noncitizens and citizens alike. *Cotzojay v. Holder*, 725 F.3d 172, 181 (2d Cir. 2013) ("[I]t is uncontroversial that the Fourth Amendment applies to aliens and citizens alike."); *Carcamo v. Holder*, 713 F.3d 916, 921 (8th Cir. 2013) ("We have observed that the Fourth Amendment, which protects '[t]he right of the people to be secure in their persons, houses, papers, and effects, against

unreasonable searches and seizures,' applies as much to illegal aliens inside this country as it does to citizens."); *see also United States v. Murillo-Lopez*, 151 F.4th 584, 589–90 (4th Cir. 2025) (addressing noncitizens' Fourth Amendment challenge to stop).

36. The Supreme Court has repeatedly held that even when a search or seizure is otherwise justified, the Fourth Amendment still governs the way it is carried out. *Tennessee v. Garner*, 471 U.S. 1, 8 (1985) ("[I]t is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out."). The Court has, for example, imposed limits on the reasonable force officers may use, the reasonable methods for stopping and seizing a moving vehicle, and the reasonable ways to enter a residence. *See Barnes v. Felix*, 605 U.S. 73, 79 (2025) (the question was whether the force deployed was justified from the perspective of a reasonable officer on the scene); *Plumhoff v. Rickard*, 572 U.S. 765, 777 (2014) (officers acted reasonably "in using deadly force" to end a high speed car chase that lasted nearly five minutes); *Tennessee v. Garner*, 471 U.S. at 11 ("The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable."); *Graham v. Connor*, 490 U.S. 386, 395 (holding that all officer excessive force claims should be analyzed under the Fourth Amendment and its "reasonableness" standard); *Scott v. Harris*, 550 U.S. 372, 381 (2007) (holding that an officer acted reasonably when he rammed his car bumper into another's vehicle to terminate a chase and seize the individual); *United States v. Sharpe*, 470 U.S. 675, 688 (1985) (holding that "a 20-minute stop is [not] unreasonable when the police have acted diligently and a suspect's actions contribute to the added delay").

37. The Constitution does not define "unreasonable," but neither is reasonableness exhausted by the requirement of a warrant and probable cause. While the Supreme Court has attempted to fit reasonableness into a warrant-and-exception framework, the prohibition on "unreasonable searches and seizures" does

independent constitutional work. *See Kentucky v. King*, 563 U.S. 452, 459 (2011). Courts review one exception to the warrant requirement – exigency – on a case-by case basis. *Langhe v. California*, 594 U.S. 295, 302 (2021).

Petitioner's Detention Without a Warrant was Unconstitutional and Must Result in His Immediate Release

38. Judges in this district have consistently held that Petitioner is detained pursuant to 8 U.S.C. 1226(a). *See Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *See also Maldonado Bautista v. Santacruz,* No. 5:25-CV01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) reconsideration granted in part, --- F. Supp. 3d ---, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025) ("Maldonado Bautista") (entering final judgment as to the Bond Eligible Class, of which Petitioner is a clear member). As such, Petitioner was arrested pursuant to 8 U.S.C. § 1226(a).

39. Arrests under § 1226(a) require a warrant. *See* 8 U.S.C. § 1226(a) ("On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.); *see also Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018). "Issuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a)." *Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 264 (D. Me. 2025). "[I]t follows that absent a warrant a noncitizen may *not* be arrested and detained under section 1226(a)." *Id.* (emphasis in original); *J.A.C.P.*, 2025 WL 3013328 at *8 (citing *Chogllo Chafla*, 804 F. Supp. 3d at 264; *Chiliquinga Yumbillo v. Stamper*, No. 2:25-

CV-00479-SDN, 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025)). As in *J.A.C.P.*, Petitioner's detention is improper because he was not arrested pursuant to a warrant; since the Government did not comply with the plain language of section 1226(a), Petitioner's immediate release is justified. 2025 WL 3013328 at *4.

40. By not issuing a warrant for Ramirez Perez's arrest, the Government failed to comply with the express terms of section 1226 when it detained him. He must therefore be immediately released. That is precisely what a judge in this district recently held. In *Cruz Pedraza v. Larose,* the petitioner was parked at a gas station when two unmarked cars blocked his truck. 26-cv-2697-LL-MSB, ECF 12 at 1 (S.D. Cal. May 27, 2026). Several ICE officers got out of their vehicles, asked the petitioner for proof of status, and then arrested him without a warrant. *Id.* at 1–2. The court found *Matter of Yahure Hurtado* "unpersuasive" and determined that the petitioner was detained pursuant to § 1226(a), rather than § 1225(b). *Id.* at 4.

41. Importantly, the court then noted that the statutory language of § 1226(a) provides that "a noncitizen may only be arrested and detained pending a decision on removal '[o]n a warrant issued by the Attorney General.'" *Id.* (quoting 8 U.S.C. § 1226(a)). And "[w]hen the government does not comply with the plain language of section 1226(a), a petitioner's immediate release is justified." *Id.* (quotations and alterations omitted). Because Respondents did not dispute that they lacked the necessary warrant to arrest the petitioner, the court held that "Petitioner's arrest and detention are unauthorized" and immediate release was the "appropriate remedy." *Id.*

42. Other courts have similarly held that when ICE makes a warrantless arrest contrary to the plain language of § 1226(a), the "arrest and detention are therefore unauthorized, and the appropriate remedy for detention that lacks a proper statutory basis under § 1226(a) is release." *Eslid. B.G. v. Bondi*, No. 26-cv-5020-RAL, 2026 WL 734992, *6 (D.S.D. Mar. 16, 2026) (collecting cases); *see also JAACP v. Wofford*, No. 25-cv-1354-KES-SKO, 2025 WL 3013328, *8 (E.D. Cal.

Oct. 27, 2025); *Diaz v. Albarran*, No. 25-cv-9837-JSC, 2025 WL 3214972 (N.D. Cal. Nov. 18, 2025); *R.D. v. Bondi*, No. 26-cv-1904-ECT-EMB, 2026 WL 788263, *2 (D. Minn. Mar. 20, 2026) (collecting cases ordering immediate release in the absence of a warrant).

43. Here, Mr. Ramirez Perez was detained by border patrol officers while he was on his way to work. He has never been shown a warrant, and it appears he was arrested without one. Because this arrest violated the plain language of § 1226(a), his "arrest and detention are unauthorized," and immediate release is the "appropriate remedy." *Cruz Pedraza,* 26-cv-2697-LL-MSB, ECF 12 at 4.

44. The fact that Mr. Ramirez Perez was afforded a bond hearing after he was unlawfully detained by DHS does not cure the initial constitutional violation. *See Urias v. Semaia*, No. 5:26-cv-02753-DTB, slip op. at *11-12 (C.D. Cal. Jun. 10, 2026) (where petitioner was not arrested with "a pre-arrest warrant" and "given no notice of his impending arrest" even a bond hearing held after the unlawful arrest cannot "retroactively cure the unconstitutional deprivation of a protected liberty interest that occurred without notice or a hearing" and ordering immediate release).

The immigration court is not a neutral body capable of providing Petitioner with Due Process at a bond hearing

> *"I can tell you that today, the immigration courts are substantively dead. They are completely absent of due process. Of fair hearings. They exist only for show, and in name only. Period. The courts are dead. If you're concerned about doing due process of fair hearings, they're gone. So we can start from that position." - George Pappas, former New York Immigration Judge*[2]

45. Mr. Ramirez Perez previously filed a habeas petition that was granted. *See* Case 3:26-cv-3066-CAB-DEB. He was given a bond hearing before the immigration court on June 17, 2026, and at that hearing, the judge denied bond based

[2] Radley Balko, "The courts are dead." *An interview with a fired immigration judge*, The Watch (Jan 8, 2026), https://radleybalko.substack.com/p/the-courts-are-dead-an-interview

on risk of flight, finding that there were no conditions that would ensure Mr. Ramirez Perez's appearance in court and ordering him detained during the pendency of his removal proceedings.

46. It is unsurprising that the immigration court denied bond to Mr. Ramriez Perez even though he has no criminal history and would return to the home where he had been living with his domestic partner for two years prior to his unlawful attest. The immigration court has been systematically transformed from a neutral adjudicatory body into an enforcement instrument of the administration, leaving it structurally incapable of providing the impartial tribunal and individualized assessment that § 1226(a) and due process demand. Accordingly, this Court should exercise its equitable authority and order Petitioner's immediate release. In the alternative, the Court should conduct its own bail hearing.

47. As relevant here, due process requires that immigration detention "'bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)). Specifically, immigration detention must be reasonably related to the government's goals of preventing flight and protecting the community from harm and be accompanied by adequate procedural protections to ensure that those goals are being served. *See Zadvydas*, 533 U.S. at 690-91. Chief among these procedural protections is "the guarantee of an impartial and disinterested tribunal," which the Due Process Clause requires "in both civil and criminal cases." *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980). Unfortunately, the immigration court system is no longer an "impartial and disinterested tribunal" but has been transformed into a body that is structurally incapable of upholding Petitioners statutory and constitutional rights.

48. The immigration court operates under the Department of Justice ("DOJ"). In the last year the DOJ and its sub-agencies, the Executive Office for Immigration Review ("EOIR") and the BIA, in apparent coordination with the DHS

have systematically dismantled the integrity of the immigration court system to turn it into an extension of DHS' deportation and detention operations. The evidence of EOIR's institutional capture falls into three categories, each independently sufficient to establish bias, but together demonstrating systematic destruction of judicial independence: (1) the ongoing mass-scale purge of immigration judges perceived as obstacles to DHS' enforcement agenda; (2) the recruitment and installation of explicitly enforcement-aligned "deportation judges" with dramatically reduced qualifications; and (3) EOIR policy directives establishing expectations that adjudications favor the government over noncitizens. Each category is addressed in turn below.

a. The Ongoing, Mass-Scale Purge of Immigration Judges Perceived as Obstacles to Enforcement Agenda

49. As of September 26, 2025, the administration had terminated 128 immigration judges ("IJs").[3] Former New York IJ David K.S. Kim explained the targeting criteria: "I do not know the exact reason for my termination, but most of those dismissed, including myself, were judges with high asylum approval rates."[4] This is not the complaint of disgruntled employees—these are career jurists with decades of combined experience who felt compelled to speak out publicly.

50. The terminated and resigned judges report three consistent themes. First, explicit pressure to serve as instruments of mass deportation rather than neutral adjudicators. Former Baltimore IJ Emmett Soper stated: "I think the current administration of the immigration courts does not fundamentally see the immigration courts as neutral decision-makers. I think that they see the immigration courts as a tool for this administration to advance its policy objectives."[5] Former San Francisco

[3] *Trump Administration Continues Firing Immigration Judges – IFPTE responds,* IFPTE (Sept. 26, 2025), https://www.ifpte.org/news/trump-administration-continues-firing-immigration-judges-ifpte-respondsnbsp

[4] Woo-Sum Lim, *Former judge highlights legal failures in U.S. worker detentions,* The Dong-A Ilbo (Sept. 20, 2025), https://www.donga.com/en/article/all/20250920/5859412/1

[5] Geoff Bennett & Ali Schmitz, *Ousted Immigration Judge Describes Deepening Court Backlog,* PBS NewsHour (Nov. 12, 2025), https://www.pbs.org/newshour/show/ousted-immigration-judge-describes-deepening-court-backlog.

IJ Jeremiah Johnson similarly understood "the hint that they should be hearing cases a certain way, deciding cases a certain way. Move faster. Less due process, essentially."[6] Former San Francisco IJ George Pappas was even more direct: "We were told to facilitate deportation... Due process is dead in immigration courts."[7]

51. Second, these judges also describe a pervasive climate of fear designed to ensure compliance. Former Baltimore IJ David C. Koelsch described it as "an atmosphere of paranoia and fear, which is exactly what they want."[8] Former Annandale IJ Anam Petit observed: "There's a climate of fear...Judges feel like, if they step a toe out of line right now...they're one [asylum] grant away from being fired because of the arbitrary nature of the firings."[9] Former New York IJ Carmen Maria Rey Caldas similarly described judges working "under 'constant threat' of getting fired if they don't follow certain rules from leadership.[10]

52. Third, the judges describe the inevitable compromise of judicial independence when self-preservation requires favoring the government. Former San Francisco IJ Elizabeth Young explained: "I've talked to many of [the judges still serving], and they're like, "When I go into court, I am concerned about applying the law, but I'm also concerned that I should deny more, because if I don't, then I'll get fired.'"[11] Former Boston IJ Sarah Cade reached her breaking point: "I felt I might have to compromise my ethics and might be put in a place where I felt like I was

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[6] Hilda Gutierrez, Michael Bott & Son Vo, *'An all-out attack on immigration court:' SF immigration judges speak out after firings,* NBC Bay Area (Nov. 25, 2025), https://www.nbcbayarea.com/investigations/san-francisco-immigration-judges-speak-out-firings/3986850/.

[7] Marco Poggio, *Judges See an Immigration Court Gutted from Inside*, Law 360 (Oct. 31, 2025), https://www.law360.com/articles/2381003/judges-see-an-immigration-court-gutted-from-inside

[8] Poggio, *supra* note 8.

[9] Eric Katz, Climate of Fear': *Immigration Judges Say Functioning of Their Court System Is in Jeopardy Due to Trump's Firings*, Gov't Executive (Nov. 14, 2025), https://www.govexec.com/management/2025/11/climate-fear-immigration-judges-say-functioning-their-court-system-jeopardy-due-trumps-firings/409544/.

[10] Isabela Dias, *"Fired for No Reason": Former Immigration Judges Speak Out Against Trump's Assault on the Courts*, Mother Jones (Oct. 9, 2025), https://www.motherjones.com/politics/2025/10/immigration-court-judge-trump-assault-purge-dhs-ice/.

[11] Poggio, supra note 8.

going to be asked to violate due process. So I left and I went to private practice."[12]

53. The message to remaining immigration judges is unmistakable: neutrality is a terminable offense. No adjudicator can remain impartial when faced with the choice between upholding due process and keeping their position. Any immigration judge assigned to Petitioner's bond hearing now operates with the understanding that granting bond may cost them their livelihood.

b. The Installation and Recruitment of Judges Aligned with Enforcement Agenda

54. To replace purged judges, the DOJ launched recruitment for what it explicitly marketed as "deportation judges."[13] DHS-a party in immigration proceedings before EOIR- promoted these openings on social media with enforcement-focused language: "Bring the hammer down on criminal illegal aliens" and "Defend your communities, your culture, your very way of life."[14]

55. In addition, the DOJ has authorized up to 600 military lawyers to serve as temporary immigration judges for a renewable term not to exceed six months, while simultaneously eliminating requirements to serve as a temporary immigration judge."[15] Previously, temporary judge candidates were required to have served as a former immigration judge, appellate immigration judge, or administrative judge within another agency, or to have at least 10 years of immigration law experience. The administration removed those requirements entirely, allowing "any attorney" to be selected as a temporary immigration judge and reduced training to approximately two weeks—far less than the standard training for permanent immigration judges, which includes six weeks of initial training, one year of mentorship by an experienced

[12] Poggio, supra note 8.
[13] Murphy Marcos *supra* note 2
[14] dhsgov, Instagram (Nov. 21, 2025), https://wwiw instagram.com/p/DRVTRDMCQKD/?hl=en.
[15] Designation of Temporary Immigration Judges, 90 Fed. Reg. 41,883 (Aug. 28, 2025).

judge, and two years of quarterly reviews."[16] Corey Lewandowski, an adviser to DHS Secretary Noem, responded to the announcement by posting: "I see more deportations of illegal immigrants in the near future"[17] -- an explicit acknowledgment of the mass deportation policy objective underlying these appointments and the erosion of institutional boundaries between DOJ and DHS. In December, one of the appointed temporary judges, Christopher Day, was fired just a month into his six-month term after he "had granted asylum claims in just over half the cases he heard."[18]

c. A Barrage of EOIR Policy Memoranda Establishing Expectations That Adjudications Favor the Government Over Noncitizens

56. Beyond personnel changes, EOIR's new acting director, Sirce E. Owen, issued "a string of sharply worded policy memos" that immediately "[set] the tone for her leadership." [19] The Catholic Legal Immigration Network (CLINIC) observed that "these memos also seem intended to reshape EOIR, which is meant to be a neutral arbiter, into a politically driven tool advancing the Trump administration's clearly anti-immigrant views."[20] The policy directives include: a memorandum dated June 27, 2025 warning judges not to demonstrate "bias directed against DHS" or to be "adjudicatory outliers," at risk of "close examination and potential action"[21] a memorandum encouraging judges to deny asylum applications without full

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[16] Margy O'Herron, Using Military Lawyers as Immigration Judges is Ill-Advised and Potentially Illegal, Brennan Ctr. for Just. (Sept. 29, 2025), https://www.brennancenter.org/our-work/analysis-opinion/using-military-lawyers-immigration-judges-ill-advised-and-potentially.

[17] Corey R. Lewandowski (@CLewandowski_), X (Sept. 2, 2025, 1:47 PM), https://x.com/clewandowski/status/1962950546652070269.

[18] Balko, supra note 1.

[19] Isabella Dias, "The Entire System Will Collapse": Inside the Purge of US Immigration Courts (Mar. 6, 2025, https://www.motherjones.com/politics/2025/03/trump-immigration-courts-firing-doge-nonsensical-system-collapse-eoir/.

[20] Cath. Legal Immigr. Network, Inc., *Navigating EOIR Directives Under Trump 2.0: Practical Guidance for Advocates and Programs* (Apr. 12, 2025), https://www.cliniclegal.org/resources/removal-proceedings/navigating-eoir-directives-under-trump-20-practical-guidance.

[21] Exec. Off. For Immigr. Rev., Policy Memorandum 25-33, Neutrality and Impartiality in Immigration Court Proceedings (June 27, 2025), https://www.aila.org/library/eoir-policy-memo-25-33-on-neutrality-and-impartiality-in-immigration-court-proceedings.

evidentiary hearings, styled as efficiency guidance but functioning as a directive to reduce due process protections;[22] and memorandums restricting immigration judges' ability to grant continuances[23] and administrative closure.[24]

57. Because the immigration courts are no longer an "impartial and disinterested tribunal," this Court should order immediate release rather than a bond hearing before the immigration court.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION (UNLAWFUL ARREST)

58. Petitioner re-alleges and incorporates by reference each allegation contained above.

59. The Fourth Amendment protects the right of persons present in the United States to be free from unreasonable seizures by government officials.

60. When Petitioner was arrested by border patrol agents without a warrant and without exigent circumstances, his seizure violated his Fourth Amendment right to be free from "arbitrary and oppressive interference by enforcement officials" with his privacy and personal security. *United States v. Martinez-Fuerte*, 428 U.S. 543, 554 (1976).

COUNT TWO

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C. § 1226(A) – WARRANTLESS ARREST)

[22] Exec. Off. For Immigr. Rev., Policy Memorandum 25-28, Pretermission of Legally Insufficient Application for Asylum (Apr. 11, 2025), https:/www justice gov/coir/media/1 3064 11/dl?inline.
[23] Exec. Off. For Immigr. Rev., Policy Memorandum 25-27, Cancellation of Director's Memorandum 23-01 and Reinstatement of Policy Memorandum 19-13 (Mar. 21, 2025), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.justice.gov/eoir/media/1394086/dl?inline.
[24] Exec. Off. for Immigr. Rev., Policy Memorandum 25-29, Cancellation of Director's Memorandum 22-03 (Apr. 18, 2025), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.justice.gov/eoir/media/1397161/dl

61. Petitioner re-alleges and incorporates by reference each allegation contained above.

62. Petitioner was arrested on April 25, 2026. Border patrol agents did not provide him with a warrant and ICE has never produced a warrant. A noncitizen may be arrested and detained pending removal proceedings only "on a warrant issued by the Attorney General." The warrant requirement is an absolute precondition to any arrest or subsequent detention under § 1226(a).

63. Because no warrant was issued before Petitioner's arrest, the government lacks statutory authority to detain him. No other provision of the INA authorizes his detention: § 1226(c) (criminal mandatory detention) does not apply; § 1225(b)(2) does not apply as Petitioner is not an applicant for admission; and § 1231 does not apply because he has no final removal order.

64. Detention without a pre-arrest warrant (one dated prior to April 25, 2026) violates §1226(a) and requires immediate release. *See J.A.C.P.*, 2025 WL 3013328, at *8.

COUNT THREE

VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS)

65. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

66. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation 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 [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

67. Immigration detention is constitutionally permissible only when it furthers the government's legitimate goals of ensuring the noncitizen's appearance during removal proceedings and preventing danger to the community. *See id.*

68. Petitioner was arbitrarily arrested by border patrol agents. The only

reason the agents gave him for why they stopped him was that he "looked suspicious." His detention is punitive as it bears no "reasonable relation" to any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly "nonpunitive in purpose and effect"). Therefore, he is detained in violation of his substantive due process right to be free from arbitrary and punitive detention.

PRAYER FOR RELIEF

1. Assume jurisdiction over this matter.

2. Order that Petitioner shall not be transferred outside the Southern District of California.

3. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.

4. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody.

5. Declare that Petitioner's current detention is unlawful.

6. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community.

7. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

Respectfully submitted,

Cassandra Lopez

Litigation Director

AL OTRO LADO
Telephone: 619.730.5891
Email: Cassandra.l@alotrolado.org
Date: July 22, 2026

VERIFICATION BY ATTORNEY ACTING ON MR. RAMIREZ PEREZ'S BEHALF PURSUANT TO 28 U.S.C. §2242

I am submitting this verification on behalf of Mr. Ramirez Perez because I am his attorney. As Mr. Petitioner's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: July 22, 2026 By: /s/ Cassandra Lopez