

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Miriam Ramos Barrero et al

(b) County of Residence of First Listed Plaintiff Lane
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Benjamin Beijing Wang P.C., 750 Lawrence St, Eugene,
OR 97401

DEFENDANTS

Drew Bostock et al

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney William Narus
U.S. Attorney General

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	☐ 310 Airplane	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 315 Airplane Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 320 Assault, Libel & Slander		☐ 820 Copyrights	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 330 Federal Employers' Liability		☐ 830 Patent	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 340 Marine		☐ 835 Patent - Abbreviated New Drug Application	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 345 Marine Product Liability		☐ 840 Trademark	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 350 Motor Vehicle		☐ 880 Defend Trade Secrets Act of 2016	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 355 Motor Vehicle Product Liability			☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 360 Other Personal Injury			☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 362 Personal Injury - Medical Malpractice			☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability				☐ 490 Cable/Sat TV
☐ 196 Franchise				☐ 850 Securities/Commodities/Exchange
				☐ 890 Other Statutory Actions
				☐ 891 Agricultural Acts
				☐ 893 Environmental Matters
				☐ 895 Freedom of Information Act
				☐ 896 Arbitration
				☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2241, 2243Brief description of cause:
Petition for Writ of Habeas Corpus

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

08/04/2025

SIGNATURE OF ATTORNEY OF RECORD

/s/ Benjamin Wang

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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Attorney for Petitioners

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Eugene Division

Miriam Ramos Barrero
And Jesus Alexis Tellez Ramos.,

Petitioner,

v.

DREW BOSTOCK, Seattle Field Office
Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"), CALEB VITELLO, Acting
Director of Immigration Customs
Enforcement ("ICE"), U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT, KRISTI
NOEM, Secretary of the Department of
Homeland Security ("DHS"), U.S.
DEPARTMENT OF HOMELAND
SECURITY, and PAMELA BONDI, Attorney
General of the United States.

Respondents.

Case No.

Agency No. A
A



**PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. On August 5, 2023, Petitioner Miriam Ramos Barrero (“Ms. Ramos”) and her four children including her oldest son Petitioner Jesus Alexis Tellez Ramos (“Mr. Tellez”) fled gang violence in Mexico and came to the United States seeking safety and protection. They arrived at the port of entry at San Ysidro, California and applied for permission to enter the United States. Briefly detained, they were released and paroled into the United States. Since their entry, they have complied with all orders, instructions, and rules required of them.

2. Respondents now seek to detain Ms. Ramos and her son Mr. Tellez, transfer them away from the district, and deport them. Respondents do so based not on their personal circumstances or facts, but on Respondents’ interpretation of President Trump’s whim and categorical determination that, notwithstanding the facts in their case, they should be detained and deported. It is unlawful to detain and deport Ms. Ramos and Mr. Tellez. without first providing them with due process of law and an individualized determination as to their custody.

3. Accordingly, to vindicate Petitioners’ rights, this Court should grant the instant petition for a writ of habeas corpus. Ms. Ramos and Mr. Tellez ask this Court to find that Respondents’ attempts to detain, transfer, and deport them are arbitrary and capricious and in violation of the law, and to issue an order preventing their transfer out of this district.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

5. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioners reside within this judicial district, and they are in Respondents' custody in Portland, Oregon. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioners' claims occurred in this District, where Petitioners are now in Respondent's custody. 28 U.S.C. § 1391(e).

8. For these same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

9. 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 petitioners are 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.* (emphasis added).

10. 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 or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

11. Petitioners are “in custody” for the purpose of § 2241 because they have been released from detention subject to Respondents’ reporting requirements and remain in their constructive custody.

PARTIES

12. Miriam Ramos Barrero (“Petitioner”) is a 38-year-old citizen of Mexico and resident of Oregon. She is a resident of Springfield, Oregon, and is present within the state of Oregon as of the time of the filing of this petition.

13. Jesus Alexis Tellez Ramos (“Petitioner”) is the oldest son of Petitioner Ms. Ramos. He is a 19-year-old citizen of Mexico and resident to Oregon. He is a resident of Springfield, Oregon, and is present within the state of Oregon as of the time of the filing of this petition.

14. Respondent Drew Bostock is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Bostock is a legal custodian of Petitioners.

15. Respondent Caleb Vitello is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Drew Bostock and ICE in general. Respondent Vitello is a legal custodian of Petitioners.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioners.

17. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice, which includes the Executive Office for Immigration Review (“EOIR”). EOIR includes, among other components, the immigration courts located in various offices throughout the United States.

18. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

19. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

20. This action is commenced against all Respondents in their official capacities.

21. Petitioners’ removability is currently the subject of an administrative proceeding before the Portland Immigration Court.

LEGAL FRAMEWORK

22. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

23. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).

24. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Petitioners, should be removed from the United States. *See* 8 U.S.C. § 1229a.

25. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

26. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

27. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

28. Once a determination to release an individual from custody is made, the release order may be revisited at any time provided that the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual’s release.

29. Revocation and return to custody are authorized if, based on the individualized facts and circumstances, the released noncitizen is later determined to pose a flight risk or danger to the community. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

FACTUAL BACKGROUND

30. Petitioners are citizens of Mexico. On August 5, 2023, they arrived at the port of entry at San Ysidro, California and applied for permission to enter the United States, fleeing from gang violence in Mexico and seeking safety and protection in the United States.

31. On August 15, 2023, Respondent DHS allowed Petitioners to enter the United States on parole and decided to release them from its custody on Orders of Release on Recognizance pursuant to 8 U.S.C. § 1226(a).

32. On October 10, 2023, Petitioners reported to Respondent ICE in Eugene, Oregon pursuant to the release order.

33. Subsequently, Petitioners reported to Respondent ICE in Eugene, Oregon on November 14 2023, December 12, 2023, March 12, 2024, May 14, 2024, August 13, 2024, and November 12, 2024, and June 3, 2025, as required under the release order.

34. Petitioners are now in removal proceedings before the Portland Immigration Court to determine whether they are eligible for relief from removal.

35. On May 16, 2025, Petitioner Ms. Ramos filed an I-589 application for asylum, withholding of removal and protection under the Convention Against Torture. This application that covers all her children including Petitioner Mr. Tellez as derivative applicants is currently pending before the Immigration Court and waiting for the court to schedule a hearing on its merits.

36. Petitioners do not have any record of arrests or convictions. They live in Springfield with their family members and engage in gainful employment to contribute to the local economy.

37. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

38. On Monday, August 4, 2025, Petitioners are required to report to U.S. Immigration and Customs Enforcement to comply with their order of release. On information and belief, Respondents will apply their categorical policy to Petitioners, disregard their pending application for asylum, withholding of removal, and protection under the Convention Against Torture, take them into physical custody, remove them from the district, and transfer them to the ICE Northwest Processing Center in Tacoma, Washington to remove them.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

39. Petitioners restate and reallege all paragraphs as if fully set forth here.

40. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

41. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in

view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

42. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

43. By deciding to revoke Petitioners’ release and transfer them without consideration of their individualized facts and circumstances, Respondents have violated the APA.

44. By choosing to categorically detain and transfer Petitioners, Respondents have further abused their discretion because, since the agency made its initial custody determinations, there have been no changes to Petitioners’ facts or circumstances that support the revocation of their release from custody.

45. Respondents have considered Petitioners’ facts and circumstances and determined that they were not a flight risk or danger to the community. There have been no changes to the facts that justify this revocation; in fact, Petitioners were not detained by Respondents during their prior reporting from November 2023 to June 2025 under the same facts and circumstances, showing that Respondents do not consider Petitioners to be a danger to the community or a flight risk.

COUNT TWO

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

46. Petitioners restate and reallege all paragraphs as if fully set forth here.

47. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction,

authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

48. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke a bond or parole authorized under [8 U.S.C. § 1226(a)]” and rearrest a noncitizen under the initial warrant. In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of custody may be carried out in the “discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign).”

49. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void *ab initio*.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); *see also Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

50. On information and belief, Respondents revoked Petitioners’ prior custody determination that is not done by the individual exercise of discretion by the Attorney General or any district ICE officer.

51. Because Petitioners’ revocation of parole or release was made by government officials not authorized by statute or regulation to make this determination, Respondents’ detention of Petitioners is not in accordance with law and in excess of statutory authority.

COUNT THREE
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

52. Petitioners restate and reallege all paragraphs as if fully set forth here.

53. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; *accord Flores*, 507 U.S. at 306.

54. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

55. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

56. Here, Respondents have revoked Petitioners’ release in an arbitrary manner and not based on a rational and individualized determination of whether they are a safety or flight risk, in violation of due process. Because no individualized custody redetermination has been carried out and no circumstances have changed to make Petitioners a flight risk or a danger to the community, Respondents’ revocation of Petitioners’ release violates their right to procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this
Petition should not be granted within three days;
- (3) Declare that Petitioners’ detention without an individualized custody
redetermination violates the Due Process Clause of the Fifth Amendment;

- (4) Declare that Petitioner's revocation of bond or parole was not made by an authorized official, in violation of statute and regulation;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to:
 - a. Release Petitioners from custody;
 - b. Not transfer Petitioners from the district without the court's approval;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Dated: August 4, 2025.

/s/ Benjamin Wang

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