

Alfonso Morales, State Bar No. 235314
LAW OFFICE OF ALFONSO MORALES, ESQ.
8131 Rosecrans Ave., Ste. 200
Paramount, CA 90723
Telephone: (310) 669-8700

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

ACABAL RAMOS, MAURA MARIA)

Petitioner,)

v.)

**PETITION FOR WRIT OF
HABEAS CORPUS**

Warden of ADELANTO DETENTION)
FACILITY; *Ernesto Santacruz Jr in his official*)
Capacity as Field Office Director of the)
Immigration and Customs Enforcement,)
Enforcement and Removal Operations)
ADELANTO DETENTION FACILITY; KRISTI)
NOEM, in her official capacity as Secretary of the)
U.S. Department of Homeland Security; and PAM)
BONDI, in her official capacity as Attorney)
General of the United States,)

Respondents.)

INTRODUCTION

1. This petition for Writ of Habeas Corpus filed on behalf of Petitioner Maura Maria Acabal Ramos ("Petitioner") to remedy their unlawful detention.
2. Petitioner is a native of Guatemala, born on  in Guatemala, Guatemala. She first entered the United States on or around December 21, 2018, at or near Hidalgo, Texas.
3. On or around June 20, 2025, at 12:40 pm Petitioner was detained by Immigration and Customs Enforcement (ICE) without reasonable suspicion in violation of the Fourth

Amendment's safeguard against unreasonable seizures. She is currently detained at the Adelanto Detention Facility and is seeking immediate release.

4. Petitioner currently has a case before the Board of Immigration Appeals (BIA) which has been pending since February 24, 2020.
5. Petitioner has exhausted all other avenues for relief including a denial of her Custody Redetermination Proceedings filed with EOIR.
6. Petitioner asks this Court to find that Petitioner's detention is unlawful and issue a writ of habeas corpus for Petitioner to be immediately released from custody.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
8. 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).
9. 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

10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district Adelanto Detention Facility in Adelanto, California, which is within the jurisdiction of this District.
11. Venue is proper in this District because a substantial part of the events or omissions giving rise to this action occurred and continue to occur Adelanto Detention Facility in Adelanto,

California. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

12. 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 order to show cause 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).
13. 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).

PARTIES

14. Petitioner was arrested by ICE officers on or around June 20, 2025, and was transferred to Adelanto Detention Center where she is currently detained. She is in custody, and under the direct control of Respondents and their agents.
15. The acting Warden of Adelanto Detention Facility has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.
16. Respondent Ernesto Santacruz Jr is sued in his official capacity as the Acting Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has authority to release her.

17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.

Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

18. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

19. Petitioner is a native of Guatemala, born [REDACTED] in Guatemala, Guatemala. [See Exhibit A: "Birth Certificate for Petitioner Maura Maria Acabal Ramos"].

20. Petitioner first entered the United States on or around December 21, 2018, at or near Hidalgo, Texas.

21. Petitioner does not have a criminal record.

22. At around 12:40 PM on June 20, 2025, Petitioner was detained by ICE while she was at her place of work, a sewing company in Vernon, California. [See Exhibit B: "Declaration for Maura Maria Acabal Ramos"].

23. Petitioner recalls she ran from the masked men and their dogs. [Id.] Petitioner and other coworkers feared these unidentified men and their dogs, so they ran about half a block. [Id.] While she was running Petitioner fell to the ground and hurt her legs. [Id.] Petitioner was

detained by several officers and asked if she had immigration status documents. [*Id.*]

Petitioner stated that she did not, and she was arrested. [*Id.*]

24. Petitioner was put inside an unmarked van by the hooded men. [*Id.*] At no time did the officers identify themselves nor did they give them a reason for their arrest. [*Id.*]

25. Petitioner has submitted and was subsequently denied relief on a Motion for Bond and Custody Redetermination Proceedings filed with EOIR. [*See* Exhibit C: "EOIR Court Order"].

26. Petitioner currently has a case pending with the Board of Immigration Appeals (BIA). Her appeal case has been pending since February 24, 2020. [*See* Exhibit D: "BIA Appeal Documents"].

27. Petitioner has young children, including a U.S. citizen child.

28. Petitioner was taken to Adelanto Processing Center where she remains in custody.

29. ICE has not identified any exceptional circumstances warranting Petitioner's continued detention under ICE policy. [*Id.*]

LEGAL FRAMEWORK

30. The Fourth Amendment protects "[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. It is a fundamental tenet of Fourth Amendment law that "a search or seizure of a person must be supported by probable cause particularized with respect to that person." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

31. Furthermore, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have "a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is

attempting to be, engaged in an offense against the United States or is an alien illegally in the United States.” The Court of Appeals for the Ninth Circuit has held that ICE agents that “carr[ied] out preplanned mass detentions, interrogations, and arrests [. . .], without individualized reasonable suspicion” violates 8 C.F.R. § 287.8(b)(2). *Perez Cruz v. Barr*, 926 F.3d 1128,1133 (9th Cir. 2019). Most recently, on August 1, 2025, the Ninth Circuit upheld a temporary restraining order barring the federal government from conducting detentive stops for the purposes of immigration enforcement without first establishing individualized, reasonable suspicion that the person to be stopped is unlawfully in the United States. *Vasquez Perdomo v. Noem*, No. 25-4312, 2025 WL 2181709 (9th Cir. Aug. 1, 2025). Although, the Supreme Court has issued a temporary stay of the Ninth Circuit injunction, the court’s order in *Noem v. Vasquez Perdomo*, No. 25A169, 606 U.S. ____ (2025), reaffirms the constitutional requirement that immigration related stops must be based on individualized, reasonable suspicion of unlawful presence, and that reliance solely on race, language, or other proxies for national origin is insufficient under the Fourth Amendment. Longstanding precedent, including *United States v. Brigoni-Ponce*, 422 U.S. 873 (1975), remains controlling emphasizing that while ethnicity may be one factor among many, it cannot be the sole or primary justification for a stop.

32. The Due Process Clause requires that the deprivation of Petitioners’ liberty be narrowly tailored to serve a compelling government interest. See *Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”). As the Supreme Court held in *Zadvydas*, indefinite detention, and detention without adequate procedural protections, would

raise a “serious constitutional problem” and run afoul of the Due Process Clause. 533 U.S. at 690.

33. Section 1231 of Title 8 of the U.S. Code governs the detention and removal of noncitizens.

Section 1231(a)(2) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This 90-day period known as the “removal period” begins on the latest of one of the triggering conditions listed in Section 1231(a)(1)(B)(i)-(iii): (i) the entry of a final removal order; (ii) the final order from a circuit court reviewing the removal order, if the court ordered a stay of removal pending review, or (iii) “[i]f the [noncitizen] is confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.” Pursuant to 8 U.S.C. § 1231(a)(3), After the 90-day removal period ends, those individuals who are not removed within the 90-day removal period are no longer subject to mandatory detention, and should generally be released under conditions of supervision, such as periodic reporting and other reasonable restrictions. Under § 1231(a)(6), The government may continue to detain certain noncitizens beyond the 90-day removal period if they have been ordered removed on inadmissibility grounds after violating nonimmigrant status or conditions of entry, or on grounds stemming from criminal convictions, or security concerns or if they have been determined to be a danger to the community or a flight risk. If these groups of noncitizens are released, they are also subject to the supervision terms set forth in Section 1231(a)(3).

CLAIMS FOR RELIEF

COUNT ONE

Violation Of Immigration and Nationality Act, 8 U.S.C. § 1231(A)(6)

34. Petitioner realleges and incorporates by reference the paragraphs above.

35. 8 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas*, authorizes detention

only for “a period reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689, 701.

36. Post-removal order detention for less than six months may still be unreasonable in unique circumstances like Petitioner’s where he can meet his burden of demonstrating that removal is not reasonably foreseeable. *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1093 (C.D. Cal. 2020) (“*Zadvydas* established a ‘guide’ for approaching detention challenges, not a categorical prohibition on claims challenging detention less than six months.”)
37. Petitioner has been detained since on or around June 20, 2025. [See Exhibit B: “Declaration for Petitioner Maura Maria Acabal Ramos”]. It is unlikely that removal will be reasonably foreseeable because Petitioner still has a pending case with the BIA that must be processed. [See Exhibit D: “BIA Appeal Documents”].
38. In addition, Petitioner has been denied repeated requests for bond despite being held in detention for over three months, making it unlikely that Petitioner’s release is reasonably foreseeable. [See Exhibit C: “EOIR Court Orders”]. This prolonged and indefinite detention without a clear timeline for release along with her appeal pending with the BIA makes removal not reasonably foreseeable.
39. Continued detention therefore violates 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

COUNT TWO

Violation of Fourth Amendment Unreasonable Search and Seizure

40. The allegations in the above paragraphs are realleged and incorporated herein.
41. The Fourth Amendment protects “[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. Within the meaning of the Fourth Amendment a person has been “seized” only if, in view

of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. *United States v. Mendenhall*, 446 U.S. 544 (1980). If the person to whom questions are put remains free to disregard the questions and walk away, there has been no intrusion upon that person's liberty or privacy as would require some particularized and objective justification. *Id.* It is a fundamental tenet of Fourth Amendment law that "a search or seizure of a person must be supported by probable cause particularized with respect to that person." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979). In addition, 8 C.F.R. § 287.8(b)(2) provides that for an immigration officer to lawfully detain a person they suspect to be in the country illegally they must have "a reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in the United States."

42. The agents' actions constituted a non-consensual seizure under the Fourth Amendment. A reasonable person, who is followed and questioned by officers shielded by hoods and masks and accompanied by intimidating dogs, would not feel free to leave or refuse questioning.

43. The presence of many agents is a factor in determining that a reasonable person would not have felt free to leave. [See Exhibit B: "Declaration for Maura Maria Acabal Ramos"]. The presence of several dogs handled by the officers furthers the intimidation a reasonable person would have felt. [*Id.*] The agents lack of identification and hidden features created conditions of intimidation and fear, effectively compelling Petitioner to run and hurt herself [*Id.*] Once she was on the ground she was detained and submitted to questions. [*Id.*] These conditions would make any reasonable person feel detained, regardless of whether they physically tried to flee.

44. When Petitioner was detained, she was not given a specific or articulable reason for the

seizure by any law enforcement agent. [*Id.*] The officers' lack of articulable reasoning is a direct violation of constitutional protection against unreasonable searches and seizures. [*Id.*]

45. For these reasons, Petitioner's detention violates the Fourth Amendment, and she must be immediately released.

COUNT THREE
Violation of Fifth Amendment Due Process Clause

46. The allegations in the above paragraphs are realleged and incorporated herein.

47. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person 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*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See *id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.*; *Demore v. Kim*, 538 U.S. 510, 514–15, 528 (2003).

48. First, Petitioner does not pose a danger to the community. Petitioner does not have a criminal record. Petitioner is a devoted mother who wants the best for her children and her community. [*See* Exhibit B; "Declaration for Maura Maria Acabal Ramos"]. Petitioner only seeks to return to care for her children [*Id.*]. Petitioner's conduct reflects that of a person who is seeking a better life, committed to peaceful and productive living.

49. Second, Petitioner does not pose a risk of flight. Petitioner has strong family and community ties in the United States. [*Id.*] Petitioner has children whom she cares for. [*Id.*] Additionally,

Petitioner has an appeal pending with the BIA. Petitioner has no reason to abscond as he pursues this appeal. Petitioner also has no reason to flee as her children attend school here and have established their lives. These strong family and community ties show her responsibility to deter flight. In addition, these strong ties with his community show that she would continue to comply with any condition of release.

50. For these reasons, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment, and she must be immediately released.

COUNT FOUR

51. If he prevails, Petitioner requests attorney's fees and costs in the amount of \$5,000 under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412

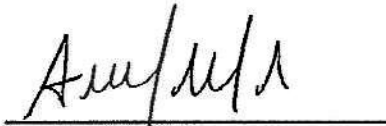
PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests 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 violates the Immigration and Nationality Act, Due Process Clause of the Fourth Amendment, Due Process Clause of the Fifth Amendment.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Enjoin Respondents from further unlawfully detaining Petitioners.
- (6) Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody.
- (7) In the alternative, grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision.

- (8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law and
- (9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfonso Morales', written over a horizontal line.

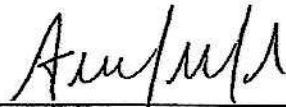
Alfonso Morales, Esq.
Attorney for Maura Maria Acabal Ramos

Dated: October 08, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Maura Maria Acabal Ramos, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 8 day of October 2025.

A handwritten signature in black ink, appearing to read 'Alfonso Morales', written over a horizontal line.

Alfonso Morales, Esq.
Attorney for Maura Maria Acabal Ramos