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7 UNITED STATES DISTRICT COURT
8 FOR THE CENTRAL DISTRICT OF CALIFORNIA
9

10 ACABAL RAMOS, MAURA MARIA,

11 *Petitioner,*

12 v.
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14 *Warden of ADELANTO DETENTION*
15 *FACILITY, et al.,*

16 *Respondents.*
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) Case No. **5:25-cv-02649-WLH-ADS**
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) **REPLY TO ANSWER TO**
) **PETITION FOR WRIT**
) **OF HABEAS CORPUS**
)
)

) Honorable Autumn D. Spaeth
) United States Magistrate Judge
)

1 **I. INTRODUCTION**

2 Petitioner Maura Maria Acabal Ramos ("Petitioner") respectfully submits this
3 Reply in response to the Respondent's Answer to Petition for Writ of Habeas Corpus;
4 Suggestion of Mootness filed on December 01, 2025, consistent with the Court's
5 Order Requiring Response to Petition filed on October 17, 2025.

6 This Reply addresses each of Respondents' asserted defenses and demonstrates
7 that Petitioner's ongoing confinement is unlawful under both the Immigration and
8 Nationality Act ("INA") and the U.S. Constitution.

9 **II. RESPONSE TO ARGUMENT ONE: CONTINUED DETENTION IS**
10 **UNLAWFUL AND NOT MOOTED BY A PROSPECTIVE RODRIGUEZ**
11 **HEARING**

12 Respondents' reliance on a forthcoming Rodriguez hearing does not moot this case
13 because Petitioner's injury arises from the government's failure to provide timely
14 custody review under § 1226(a). Petitioner affirmatively requested a custody
15 redetermination pursuant to 8 C.F.R. § 1236. [See Exhibit A: "EOIR Denial of
16 Petitioners Custody Redetermination"]. However, on September 3, 2025, the
17 Immigration Judge declined to exercise jurisdiction and denied her request. *Id.* That
18 refusal deprived Petitioner of the prompt statutory custody review to which she was
19 entitled at or near the outset of her detention. A *Rodriguez* bond hearing, which is
20 merely a remedial safeguard triggered by prolonged detention, cannot substitute for or
21 cure the failure to provide the initial bond hearing required under § 1226(a). DHS
22 cannot suggest mootness by pointing to a future hearing that becomes available only
23 because Petitioner has already been detained for more than six months without any
24 individualized determination that she is a danger or flight risk. The constitutional and
25 statutory violations have already occurred and continue each day Petitioner remains
26 confined. Accordingly, the promise of a prospective Rodriguez hearing does not moot
27 this habeas petition.
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III. RESPONSE TO ARGUMENT TWO: A PENDING BIA APPEAL PLACES PETITIONER UNDER § 1226(A), AND HER ONGOING DETENTION VIOLATES THE FIFTH AMENDMENT

At the outset, Petitioner acknowledges that the original habeas petition cited 8 U.S.C. § 1231(a)(6) as the basis for challenging her continued detention. Upon further review, Petitioner clarifies that § 1231 does not apply because her removal order is not final while her appeal remains pending before the Board of Immigration Appeals. See 8 C.F.R. § 1003.6(a), which provides that a removal order is automatically stayed during a direct administrative appeal. Petitioner is therefore detained pursuant to 8 U.S.C. § 1226(a), which governs discretionary detention during ongoing removal proceedings. She is not detained under § 1226(c) because she has no criminal history that would trigger mandatory detention. She is also not detained under § 1225(b) because she is not an applicant for admission, was not placed in expedited removal, and was not processed as an arriving alien at any stage. The statutory and regulatory framework confirms that detention during the pendency of a BIA appeal is governed by § 1226(a), not § 1231 or § 1225. For these reasons, Petitioner respectfully requests that the Court evaluate the lawfulness of her continued confinement under § 1226(a) and the due process protections that accompany that provision.

Respondents answer contends that Petitioners detention does not violate the fifth amendment. However, *Zadvydas* and *Denmore* both affirm that non-citizens are entitled to due process protections. Respondents' answer contends that detention does not violate the fifth amendment. Due process requires that detention remain reasonably related to its stated purposes, which are ensuring appearance at proceedings and protecting the public. Detention becomes unconstitutional when it is no longer tied to the legitimate aims it seeks to protect.

The government's refusal to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) further demonstrates a lack of due process. Because her removal order is not final while her appeal remains pending, she is entitled to a custody redetermination

1 before an Immigration Judge pursuant to § 1226(a) and 8 C.F.R. § 1236.1(d). The
2 agency's failure to provide this hearing deprived her of the individualized assessment
3 that due process requires. This denial of access to the custody review process
4 independently violates the Fifth Amendment and has resulted in continued detention
5 that is not reasonably related to any legitimate governmental interest.

6 Here, Petitioner does not pose a threat to her community. She has strong
7 community ties, no criminal record, and a case pending with the BIA. Accordingly,
8 her continued confinement has become unreasonable and violates due process, despite
9 the government's promise of a future *Rodriguez* bond hearing. For these reasons, her
10 prolonged detention has become unreasonable and violates the due process guarantees
11 of the Fifth Amendment.

12 IV. CONCLUSION

13 For the reasons stated in the Petition and herein, Petitioner respectfully requests
14 that this Court grant the Writ and order her immediate release from custody or, in the
15 alternative, order respondents to provide Petitioner with an individualized bond
16 hearing under 8 U.S.C. § 1226(a), to request release under reasonable conditions of
17 supervision.

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19 Dated: December 4, 2025

Respectfully submitted,

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21 /s/ Alfonso Morales

Alfonso Morales, Esq.

22 *Attorney for Maura Maria Acabal Ramos*
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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which constitutes service on all parties or counsel by electronic means as reflected on the Notice of Electronic Filing.

/s/Alfonso Morales

Alfonso Morales

Attorney for Petitioner