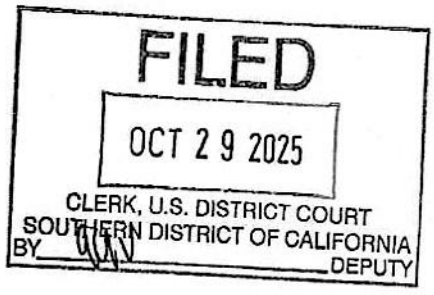
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA



Jesús Estuardo Luján Irastorza, Petitioner (Pro Se),

v.

Pam Bondi, Attorney General of the United States;
Kristi Noem, Secretary of Homeland Security;
Rodney S. Scott, Commissioner, U.S. Customs and Border Protection;
Sirce E. Owen, Acting Director, Executive Office for Immigration Review;
Christopher J. LaRose, Warden, Otay Mesa Detention Center; and
U.S. Immigration and Customs Enforcement (ICE), Respondents.

Civil Action No. '25CV2981 CAB KSC

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND MOTION FOR TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL
(Filed by Petitioner Pro Se)

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1. Introduction

My name is Jesús Estuardo Luján Irastorza. I am currently detained by ICE at the Otay Mesa Detention Center in San Diego, California. I am representing myself in this petition because I was not given the chance to obtain or appear with a lawyer during my asylum process.

I respectfully ask this Court to stop my immediate removal to Mexico and to review how my asylum and credible-fear process was handled. I am not asking this Court to decide whether I should receive asylum, but only to make sure that my rights were respected and that I was given a fair chance to present my case.

On October 17, 2025, I filed a Petition for Review and Emergency Stay of Removal before the United States Court of Appeals for the Ninth Circuit. That filing was made pro se and under extreme urgency while I was detained, and it did not include the full factual and procedural record now before this Court. I respectfully clarify that this present habeas petition is filed in good faith, seeking the Court's review of due-process violations that occurred during my credible-fear and immigration-judge proceedings. It does not conflict with or duplicate the Ninth Circuit filing, which was directed to a different jurisdictional question.

Because I am detained at the Otay Mesa Detention Center and have been unduly denied access to printing, mailing, and financial documents, this petition is submitted through an authorized third party pursuant to 28 U.S.C. § 2242. I have executed and authorized the accompanying Exhibit 1 – Authorization, Proxy Filing, and In Forma Pauperis Statement, which explains the filing circumstances and request leave to proceed in forma pauperis under 28 U.S.C. § 1915

2. Jurisdiction and Venue

I file this petition under 28 U.S.C. § 2241, the Suspension Clause, and Article I, Section 9 of the U.S. Constitution. This Court has jurisdiction because I am being held in custody in San Diego County, within the Southern District of California.

3. My Personal Statement of Facts

1. I am a citizen of Spain and Mexico. I entered the United States and asked for asylum because I am being persecuted by officials in the Mexican government.
2. I have three young children, each American citizens, in the United States, exclusively under my care and awaiting my release. Although they are under temporary care under my current wife, their step-mother, I am their only parent who has custody of, or any other legal right to be with, them and the responsibility to ensure their education and welfare.
3. On Tuesday, October 7, 2025, woke me at 6:00am and, without any prior notice, at 6:29am, commenced my credible-fear interview. Neither the date nor the time of such interview was ever communicated to me. Prior to this surprise interview, I had sent various messages to ICE asking when the interview would be. ICE never answered. Instead, ICE caught me off guard with this interview at an hour during which it was impossible for me to locate and bring an attorney. For all practical purposes, my access to legal representation was obviated by this surprise interview.
4. On Friday, October 10, ICE verbally informed me that my interview resulted in a denial of my asylum request. I then requested to have a review by an Immigration Judge (IJ).

5. On October 14, 2025, ICE provided me the written result of the credible fear interview. Such document was dated on October 10, 2025. ICE instructed me to execute a receipt for it. However the receipt erroneously expressed that I received it on October 10, 2025. I asked to have a receipt that indicated the correct date, that being, October 14, 2025. The ICE agent refused and told me I had to sign the receipt with the erroneous date. I followed such instruction against my will.
6. Thereafter, on October 14, 2025, I submitted to ICE a hand-written request asking for time to find an attorney (Documentation of this request is referenced as Exhibit 2). My review by the IJ was then scheduled for October 16, 2025.
7. On October 16, 2025, the IJ read me my rights and asked if I had a lawyer. I answered that I did not and that I needed more time to obtain one and prepare myself for the review before the IJ. She said approved of moving the date back and gave me only two options, Friday, October 17, 2025, which would be way too soon to engage, prepare and bring a lawyer or Monday, October 20, 2025, also an unreasonably tight timeframe. I asked for more time but was not afforded it. Given no other choice, I chose the latter date and she scheduled it for 8:00am.
8. Instead of respecting the scheduled date of October 20, 2025, to my surprise, on Friday, October 17, 2025, ICE woke at approximately 7:00am and told me my hearing had been moved up to be that same day. Confused by all of this, I told the agent that such change provided me no time to reach a lawyer or prepare. I requested that the hearing be on the agreed upon date or to a more reasonable subsequent date so that I could previously consult and have present at the hearing an attorney. ICE refused and required me to attend the hearing that Friday without my attorney.

9. At that hearing neither the IJ nor any one else informed me of my right to have a lawyer present or otherwise read me my rights.

10. During the hearing, I asked to make a statement and to present evidence but the IJ did not allow me to speak or submit anything of my own volition. Among my statements, in addition to explaining my asylum claim and, perhaps more importantly, I intended to request to have a lawyer present. The IJ halted me by saying "no" and "stop" and refused to allow me to speak to request a lawyer or make substantive statements of my own volition. Instead, the IJ asked me four very few curt questions. Such questions me made it clear that the IJ had either only inattentively or not at all read the summary of the ICE officer from my credible fear interview. That brief report contained the answers to all of the IJ's questions. The questions included, "why do you have a detention order from Mexico?" and "where are your children?".

11. After those questions I again asked to make statements and present evidence, all of which I deemed important given that my case is particularly complex and delicate. The IJ refused to allow me to make any statements or present evidence. To all of my pleas to speak or present evidence, the IJ replied "no" and would not let me talk or otherwise contribute to her review.

12. Among the evidence I was not allowed to present were approximately half of a dozen major Mexican newspaper reports about the fact that the government was publicly persecuting me. One of many such articles was from *Diario Ya*, titled "Irregularidades en el caso contra Luján Irastorza Revelan Persecución Política,"(meaning "The Luján Case Reveals Failures, Abuses, and Institutional Violence in the Mexico City Prosecutor's Office") exposed serious corrupt procedural irregularities and political

persecution of me in my case in Mexico (Exhibit 3). My case in Mexico is highly publicized with much documentation about its political origins and corrupt nature. It was shocking that not a shred of such evidence was allowed to be mentioned, much less presented, at the proceeding before the IJ.

13. I also tried to testify that during court proceedings in Mexico, various high level judges ("Magistrados") in charge of hearing my case in Mexico, through intermediaries, solicited, under threat of imprisonment, bribes from me ranging from tens to hundreds of thousands of dollars in exchange for ruling in my favor. (Documentation of one of such requests is referenced as Exhibit 4)

14. I also tried to testify that various inappropriate and corrupt overtures, some of which expressing that bribes were required, and threats to my life were made to me during and from the process of the litigation in Mexico, often by officials through intermediaries. I refused to pay any bribes and, as a result, the persecution against me by government officials intensified. The patent permissiveness of this extortion in particular originates from the highest levels in the Mexican administration. Given an opportunity to do so, I can present evidence thereof.

15. The authorities have threatened me with being placed, and are pursuing for me to be placed, in "prision preventiva" (meaning,a form of "pretrial incarceration") during the course of the proceedings so as to coerce me to pay them one or more bribes. Among what I intended to provide the IJ but was prohibited from so doing was proof of such efforts of extortion and coercion as well as undisputed documentation from international human rights organizations demonstrating systematic torture in pretrial incarceration and

other significant human rights violations. (Documentation of such torture and other violations is referenced as Exhibit 5)

16. The Mexican government also caused an international "Red Notice" to be issued through Interpol under my identifier, A-Number [redacted] This notice was based on the same politically motivated and corrupt case in which the judge demanded a bribe from me. The Red Notice has been publicized in Mexico and used as a tool of persecution to pressure other countries to detain or extradite me, not for legitimate criminal purposes. (Documentation of this notice is referenced as Exhibit 6). I am in the process of challenging the validity of this Red Notice as it has been requested by the Mexican government by fraudulent allegations and for having, from a process perspective, a substantively invalid cause for which such a notice can be issued. The basis of such challenge includes the fact that Article 3 of Interpol's Constitution forbids the use of Interpol for political or professional prosecution, which is squarely the reality I face before the Mexican government and its officials.

17. I am certain that if I am returned to Mexico, I will, before any trials are concluded, be imprisoned and tortured as a means by which to extort money from me. I have asked that, if I must be removed, I be sent instead to Spain, where I am also a citizen and not so imminently exposed to corrupt persecution and eventual torture by the Mexican government.

18. The evidence of the objective certainty of such persecution and torture is profound, undisputable, tangible, extensive and complex. I do not pretend to ask this Court to reach a conclusion with respect to whether such a threat exists. Instead, I ask that the Court move on the grounds that (a) my right to have an attorney present at the credible fear

interview was obviated by the lack of notice of, and unreasonable surprise hour for, such interview; (b) at the IJ interview I was not read my rights, as required by law or otherwise apprised of my right to have an attorney present; and (c) my right to have an attorney present at the proceeding before the IJ and my right to make any statements and present any evidence whatsoever, each relevant to the conclusion about whether I have a credible fear of unjust harm to life or limb from a political prosecution, were fully blocked, denied and obviated by the IJ's blanket refusal to allow me to present evidence or make any statement of my own initiative.

19. ICE officers have told me my removal is imminent, but they have not told me when or where I will be sent.

4. Grounds for Relief

1. Violations During the Initial Credible Fear Interview

   a. Undue Pressure - I was subjected to intense pressure by ICE officers to proceed with my credible fear interview immediately and without the assistance of counsel.

   b. No Access to Counsel

      i. I was not afforded a reasonable opportunity to consult with an attorney or other person of my choosing before the interview, as required by § 208.30(d)(1).

      ii. My detention conditions severely limited my access to telephones and legal contacts, making any opportunity to consult an attorney illusory.

      iii. Although the officer may have stated that I "could" consult with someone, between 6:00am and 6:29am, no reasonable notice or realistic means or

time was provided to do so. Under such circumstances, any waiver of that right cannot be considered voluntary, knowing, or intelligent, as required by § 208.30(d)(1)–(3).

c. The asylum officer failed to afford me a genuine opportunity to present evidence or to make complete statements explaining the persecution I faced from the Mexican government. This omission violated § 208.30(d)(4), which mandates that the officer elicit all material information relevant to the asylum claim.

Because these requirements were disregarded, the credible fear interview itself was procedurally defective and deprived me of due process from the outset.

2. Denial of Due Process and Right to Counsel at the Proceeding Before the IJ

a. Failure to Re-Advise of Rights — Under 8 C.F.R. § 1240.10(a), the IJ must advise the respondent of the right to counsel and ascertain whether the respondent desires representation before each hearing begins. Because the Friday hearing was a distinct proceeding from Thursday's, the IJ was required to re-advise me of my rights. Failure to do so constitutes procedural error and a denial of due process.

b. Failure to Provide Reasonable Opportunity to Obtain Counsel — The credible fear interview was without notice to me and at an impractical hour and pace such that it rendered it impossible for me to retain an attorney and have him/her present for such interview. Further, IJ's insistence I choose between one or two business days to secure counsel did not satisfy the requirement that I be afforded a "reasonable opportunity to obtain counsel." See Rios-Berrios v. INS, 776 F.2d 859 (9th Cir. 1985) (holding that a detained alien was denied due process where the IJ refused to grant a continuance to secure counsel); Montes-Lopez v. Holder, 694

F.3d 1085 (9th Cir. 2012) (failure to allow time for counsel renders hearing "fundamentally unfair"). Additionally, such conduct violated 8 C.F.R. § 208.30(d)(1) (failure to afford reasonable opportunity to consult) and § 208.30(d)(4) (failure to permit presentation of evidence or statements), in addition to the independent violations discussed above. The IJ's actions ensured that the review proceeding was not a genuine de novo evaluation but a perfunctory ratification of a procedurally tainted interview.

c. Failure to Honor Officially Rescheduled Hearing Date — Forcing me to proceed with the hearing three days earlier than the court-approved date violated 8 C.F.R. § 1003.25, which governs the scheduling and notice of hearings. I was deprived of notice and of the opportunity to prepare, constituting arbitrary action inconsistent with fair process. See Colmenar v. INS, 210 F.3d 967 (9th Cir. 2000).

d. Denial of the Right to Be Heard and Move for Continuance — When I attempted to object and request time for counsel, the IJ refused to allow me to speak or make a motion for continuance. This violated 8 C.F.R. § 1003.29, which permits continuances "for good cause shown," and denied me the basic right to be heard guaranteed by the Fifth Amendment.

e. IJ De Novo Required Review Process Was Not Followed. Under 8 C.F.R. § 1208.30(g), the IJ is required to:

   i. Provide the applicant with a reasonable opportunity to be heard, to consult with counsel, and to present evidence;

   ii. Conduct the review as a neutral, independent evaluation of the asylum officer's determination; and

iii. Ensure that the applicant's procedural and substantive rights are fully protected in accordance with 8 C.F.R. § 1225(b)(1)(B)(iii)(III).

In this case, the IJ failed to comply with each of these mandates. The IJ did not provide me with reasonable time to obtain counsel, did not honor the rescheduled hearing date, and did not re-advise me of my rights before commencing the prematurely advanced hearing. This conduct deprived me of a meaningful opportunity to be heard and directly violated the procedural guarantees of § 1208.30(g).

Taken together, these actions rendered the hearing fundamentally unfair. The IJ's conduct deprived me of my rights to counsel, notice, and a meaningful opportunity to be heard—each of which is independently sufficient to invalidate the credible-fear determination.

3. At the proceeding before the IJ, I was not read my rights or otherwise told I could have a lawyer. In the credible fear proceeding, the IJ "shall advise the alien of the right to be represented, at no expense to the government, by counsel or other representative authorised to appear". Further, my written request for time to obtain an attorney for such proceeding was ignored and the surprise and unreasonable acceleration of the date of the proceeding before the IJ rendered it impossible for me to have an attorney present at such proceeding. This violates 8 C.F.R. § 1208.30(g), 8 C.F.R. § 1003.43(c), and 8 C.F.R. § 1240.10(a) and denied me due process of law.

4. Lack of Opportunity to Present Evidence – The IJ refused to let me make statements or present evidence, including proof of persecution, government corruption and bribe solicitation and the imminent threat of being sent to near certain torture in a Mexican

pretrial incarceration . This violated 8 C.F.R. § 1003.29 and my Fifth Amendment right to due process.

5. Prejudice – The evidence I was blocked from presenting was vital. If the IJ had heard it, there is a reasonable chance that the outcome of my credible-fear case would have been different.
6. Irreparable Harm – If I am removed to Mexico, I face immediate danger to my life and safety. The issuance of Interpol Red Notice A-Number 244946593 at the request of the Mexican government demonstrates the severity of the threat and the continuation of political persecution beyond Mexico's borders. The well-documented regular torture and human rights violations in pretrial incarceration in Mexico coupled with the Mexican official's solicitation of bribes in order for me to avoid such incarceration render it a near certainty that were I unjustly submitted to such incarceration, I would endure torture or other human rights abuses as a means by which the officials would extort a bribe from me.

5. Request for Relief

I respectfully ask this Court to:

1. Declare that the credible-fear review before the IJ was conducted in violation of due process;
2. Stop my removal temporarily by issuing a Temporary Restraining Order (TRO) and a Stay of Removal;
3. Grant my habeas petition and order that I receive a new, fair credible-fear review before a different Immigration Judge;

4. Ensure I am allowed a reasonable opportunity to have an attorney at and to present my statements and evidence at that hearing;
5. Prohibit ICE from removing me to Mexico while this case is pending, and allow removal only to Spain if removal must occur;
6. Grant any other relief that the Court finds just and proper.

Exhibits 7 and 8 are the proposed forms of order accompanying this petition. Exhibit 7 contains the requested *Temporary Restraining Order (TRO)* to prevent removal while the Court reviews this petition. Exhibit 8 contains the proposed *Preliminary Injunction Order* that would remain in effect during the pendency of the case if the Court grants initial relief. These proposed orders are submitted in compliance with local rules requiring supporting drafts for emergency and injunctive relief.

6. Verification

I declare under penalty of perjury under the laws of the United States of America that the information in this petition and the attached exhibits is true and correct.

Filed on Behalf of Petitioner

Jillian Lopez, Authorized Third Party Filer
On behalf of: **Jesús Estuardo Luján Irastorza, Petitioner**
Otay Mesa Detention Center, San Diego, California.

October 27, 2025

EXHIBIT 1

AUTHORIZATION, PROXY FILING AND IN FORMA PAUPERIS STATEMENT

Due to restrictions imposed by the Otay Mesa Detention Center, Petitioner Jesús Eduardo Luján Irastorza has been unable to receive, print, sign, or mail this filing personally, nor to obtain copies or his certified trust account statement. These restrictions have prevented Petitioner from exercising his right to access the courts and from complying fully with filing procedures.

Accordingly, this petition and accompanying documents are being filed by a third party on behalf of Petitioner Jesús Eduardo Luján Irastorza, pursuant to 28 U.S.C. § 2242, which allows a habeas corpus petition to be filed by someone acting in the petitioner's behalf when the petitioner is in custody and unable to do so personally. Petitioner has reviewed the contents of this filing to the extent possible and has authorized its submission.

Petitioner respectfully requests that the Court accept this filing as properly submitted under these circumstances and, if necessary, direct the Otay Mesa Detention Center or Immigration and Customs Enforcement (ICE) to facilitate Petitioner's ability to sign and complete any required documents in person once the case is docketed.

Petitioner is unable to prepay the filing fee or submit a completed AO 239 application because the Otay Mesa Detention Center has denied him access to printing, copying, and his certified trust account statement. Petitioner therefore respectfully requests that the Court accept this filing in forma pauperis pursuant to 28 U.S.C. § 1915 and direct ICE to facilitate Petitioner's ability to complete and sign the required forms once the case is docketed.

Submitted on Behalf of Petitioner

Jillian Lopez, Authorized Third Party Filer
On behalf of: **Jesús Estuardo Luján Irastorza, Petitioner**
Otay Mesa Detention Center, San Diego, California.

October 27, 2025

EXHIBIT 2

MY WRITTEN REQUEST TO OBTAIN COUNSEL (OCTOBER 14, 2025)

Given that Petitioner is currently in ICE custody without access to means by which to obtain and copy correspondence exchanged with ICE, he is not able to copy and add to this Petition the above-referenced request in time to file this Petition with the urgency that it requires.

He therefore requests that Respondents or the Court obtain or confirm the existence and contents of the above-referenced request under seal so that it may be included in the record.

This document remains referenced as part of the evidentiary framework supporting Petitioner's due-process and political-persecution claims.

EXHIBIT 3

MEXICAN NEWS ARTICLE REPORTING MY PERSECUTION AND ITS CORRUPT PROCEDURAL IRREGULARITIES

Original Article in Spanish

INVESTIGACIÓN

El caso Luján delata fallas, abusos y violencia institucional en la Fiscalía de CDMX

Publicado hace 2 meses el 02/09/2025
Por **Redacción Ya!**

Ciudad de México, septiembre de 2025.

El **caso Dr. Jesús Luján** se ha convertido en un espejo incómodo para la justicia capitalina. El Juicio de Amparo Indirecto 788/2025, radicado en el Juzgado Décimo Segundo Penal de la CDMX, desnuda un patrón que va más allá de un expediente aislado: la fabricación de culpables a través de atajos procesales, citatorios fantasma y cateos cuestionables. Un mecanismo que, lejos de garantizar justicia, multiplica la desconfianza en las instituciones.

El caso Dr. Jesús Luján y las pruebas que nunca existieron

La acusación que dio origen al expediente resulta endeble desde el primer folio. Se imputó al **caso Dr. Jesús Luján** una "operación quirúrgica innecesaria en grado de tentativa", pero la denuncia no venía acompañada de un dictamen pericial independiente que sustentara la supuesta negligencia. Lo único presentado fue un marcador CA-125 —un análisis de laboratorio que sirve como indicador en casos de cáncer de ovario—, pero que por sí solo no permite determinar la improcedencia de una cirugía.

A esa base ya frágil se sumó una supuesta "segunda opinión médica", de la que nunca apareció constancia formal ni acreditación pericial. En un sistema que exige dictámenes técnicos imparciales para sostener cualquier acusación penal contra un profesional de la salud, esta ausencia es más que un detalle: es la grieta que convierte la imputación en una construcción artificial.

En palabras sencillas, el **caso Dr. Jesús Luján** fue llevado a la vía penal con dos elementos que en derecho probatorio no alcanzan ni para abrir una carpeta seria: un marcador aislado y un comentario. Lo que faltó fue precisamente lo indispensable: una evaluación médica independiente que confirmara, más allá de toda duda, que existió un daño real y atribuible a una mala práctica. No hay respaldo técnico sólido, pero sí un expediente que avanzó con velocidad inusitada en la **Fiscalía de Investigación Estratégica de Asuntos Especiales (FIEAE)**. En resumen, una recomendación médica sin vinculación, ni intención más que de proponer posibles escenarios, se convirtió, en manos expertas de pleitistas, en una telenovela turca con villanos de bigotes retorcidos.

Cateos, audiencias privadas y acumulación de carpetas

El caso Dr. Jesús Luján también exhibe prácticas cuestionables. La defensa señala un cateo desproporcionado el 1 de diciembre de 2023, derivado de una carpeta acumulada sin sustento técnico claro. A esto se suma la orden de aprehensión solicitada en audiencia privada, bajo el argumento de que el imputado estaba "no localizado", pese a que había proporcionado domicilios y manifestado su disposición a comparecer. La estrategia, según la defensa, consistió en acumular carpetas con el mismo tipo penal para habilitar medidas invasivas que en condiciones normales no procederían.

A pesar de no existir razones legales para mantener asegurado el inmueble, la clínica permanece clausurada desde entonces, afectando tanto a pacientes como al personal de salud. Posteriormente, la jueza Rosa María Cervantes Mejía impuso medidas cautelares desproporcionadas contra Luján, como la obligación de firmar semanalmente ante el juzgado, limitando su movilidad y vulnerando sus derechos fundamentales.

Cronología verificable del caso

- **7 de julio de 2023.** Se presenta la denuncia por "operación quirúrgica innecesaria en grado de tentativa". No se acompaña **dictamen pericial** independiente que sostenga la imputación.
- **17 de julio de 2023.** La carpeta queda **radicada en FIEAE** (Agencia D / Unidad 3).
- **1 de diciembre de 2023. Cateo** en el lugar de trabajo del Dr. Luján, ejecutado vía **carpeta acumulada** y cuestionado por la defensa por su **desproporcionalidad**.
- **6–7 de febrero de 2024.** El imputado **solicita acceso** a la carpeta; la Fiscalía **lo niega** alegando falta de "actos de molestia" y un supuesto **correo de citación no acreditado**.
- **27 de marzo de 2024.** En **audiencia privada**, la Fiscalía **solicita orden de aprehensión** argumentando "necesidad de cautela" y **no localización** (búsquedas en domicilios desactualizados).

- **2024–2025.** Se **promueve el Amparo 788** contra la orden de aprehensión y actos derivados. La defensa denuncia **acumulación de carpetas** por el mismo tipo penal para habilitar medidas invasivas.

Por qué es grave (y no solo un "vicio de forma")

1. **Debido proceso y defensa efectiva.** Negar acceso a la carpeta y sostener citatorios "fantasma" vulnera el derecho a defenderse con información completa y oportuna.
2. **Prelación legal.** En el estándar acusatorio, la **aprehensión** es el último recurso. **Primero** se cita, **después** se requiere comparecencia y **solo** si hay peligro real y acreditado, se pide captura.
3. **Acumulación instrumental.** Unir múltiples carpetas con **idéntico tipo penal** sin dictámenes concluyentes crea un **andamiaje de presión** que normaliza cateos y cautelares, lesionando la presunción de inocencia.

4. **Tipicidad débil.** Aun si existiera controversia médico-paciente, el **cauce natural sería civil**, no penal. Forzar la vía penal con pruebas frágiles **criminaliza una disputa técnica**.

Hablando en serio

El **caso Dr. Jesús Luján** importa porque expone cómo la justicia capitalina puede operar con mecanismos que erosionan la confianza ciudadana. Si se permiten cateos sin sustento, audiencias privadas para ordenar capturas y expedientes armados con pruebas débiles, cualquiera puede ser víctima de violencia institucional. Para los ciudadanos en México, la pregunta es inevitable: ¿hasta dónde estamos dispuestos a tolerar que el proceso mismo se use como castigo?

English Translation of the Original Article

The Luján Case Reveals Failures, Abuses, and Institutional

Violence in the Mexico City Prosecutor's Office

Mexico City, September 2025.

The case of Dr. Jesús Luján has become an uncomfortable mirror for Mexico City's justice system. The Indirect Amparo Trial 788/2025, filed before the Twelfth Criminal Court of Mexico City, exposes a pattern that extends beyond a single case file: the fabrication of guilt through procedural shortcuts, phantom summonses, and questionable searches. A mechanism that, far from guaranteeing justice, only multiplies public distrust in institutions.

The Case of Dr. Jesús Luján and the Evidence That Never Existed

The accusation that gave rise to the case was flimsy from the first page. Dr. Luján was charged with an "unnecessary surgical operation in attempted form," yet the complaint lacked an independent expert report supporting the alleged malpractice. The only evidence submitted was a CA-125 marker — a laboratory test used as an indicator in ovarian cancer cases — which by itself cannot determine whether a surgery was unwarranted.

To that already fragile base was added a supposed "second medical opinion," for which no formal record or expert accreditation ever appeared. In a system that requires impartial technical reports to support any criminal charge against a medical professional, this absence is not a mere oversight — it is the crack that turns the accusation into an artificial construction.

In simple terms, the case against Dr. Luján was brought to criminal court with two elements that, in evidentiary law, are insufficient even to open a serious investigation: an isolated marker and a comment. What was missing was precisely what matters most — an independent medical evaluation confirming beyond doubt that there was actual harm attributable to malpractice.

There is no solid technical basis — yet the case advanced with unusual speed within the Strategic Investigation Division for Special Affairs (FIEAE). In short, a nonbinding medical suggestion was turned — in the hands of skilled litigators — into a Turkish soap opera with mustache-twirling villains.

Searches, Private Hearings, and the Stacking of Case Files

The case also exposes questionable practices. The defense reported a disproportionate search on December 1, 2023, stemming from an aggregated file without clear technical justification. Added to this was an arrest warrant requested in a private hearing, under the claim that the accused was "unlocatable" — despite having provided addresses and expressed willingness to appear. According to the defense, the strategy was to accumulate case files under the same charge to justify invasive measures that would not otherwise be legally permissible.

Although there was no legal reason to keep the premises seized, the clinic has remained closed ever since — harming both patients and healthcare staff. Later, Judge Rosa María Cervantes Mejía imposed disproportionate precautionary measures on Luján, including the obligation to check in weekly before the court — restricting his mobility and infringing upon his fundamental rights.

When the Process Becomes the Punishment

Denying access to the investigation file, relying on nonexistent summonses, and prioritizing arrest over voluntary appearance are not mere "procedural flaws" — they are direct violations of due process. In an accusatory system, arrest is a last resort, not a first step. Yet in Dr. Luján's case, the Prosecutor's Office skipped essential procedural stages to justify extreme measures.

Even if there were a medical-patient dispute, the proper channel would be civil court. Forcing the criminal path without solid reports criminalizes a technical disagreement and opens the door for any professional to be turned into a punitive target. The Amparo seeks to close that door — requesting the nullification of the arrest warrant, dismissal of the case for lack of criminal grounds, and full restoration of rights.

A Network of Interests and Media Manipulation

The case cannot be separated from the strategy promoted by the doctor's ex-wife, co-founder of the National Front Against Vicarious Violence and the collective "Con Ovarios," who has used her media platform to reinforce a narrative of criminalization against Luján.

Moreover, Karime's lawyer, Isabel Esteve Gómez Mont, has simultaneously represented her and Alexandra (Dr. Lujan's ex-wife), conveniently overlapping data, procedures, timelines, and strategies between both cases — forming an obvious conflict of interest in judicial proceedings.

Verifiable Chronology of the Case

• July 7, 2023: Complaint filed for "unnecessary surgical operation in attempted form." No independent expert report attached.

• July 17, 2023: File assigned to FIEAE (Agency D / Unit 3).

• December 1, 2023: Search conducted at Dr. Luján's workplace, executed under an aggregated file and challenged as disproportionate.

• February 6–7, 2024: Defendant requested access to the file; denied by Prosecutor's Office.

• March 27, 2024: Private hearing held; arrest warrant requested citing "need for caution."

• 2024–2025: Amparo 788 filed against the arrest warrant and related acts.

Why It's Serious (and Not Just a "Procedural Flaw")

1. Due Process and Effective Defense — Denying access to the file and relying on phantom summonses violates the right to defend oneself with full information.

2. Legal Order of Priority— Arrest must be the last resort, only after summons and appearance requests fail.

3. Instrumental Accumulation — Combining identical charges without conclusive reports builds pressure and erodes presumption of innocence.

4. Weak Criminal Typification — Civil, not criminal, proceedings should handle technical disputes; forcing criminalization distorts justice.

Speaking Seriously

The Dr. Jesús Luján case matters because it shows how Mexico City's justice system can operate using mechanisms that erode public trust. If searches without basis, private hearings for arrests, and files built on weak evidence are permitted, anyone can become a victim of institutional violence.

For citizens in Mexico, the unavoidable question is:

How much longer are we willing to tolerate a system where the process itself becomes the punishment?

Original source: https://eldiarioya.com/caso-dr-jesus-lujan-fiscalia-cdmx/?amp=1

Certified English translations will be filed concurrently or supplemented upon the Court's request.

EXHIBIT 4

EVIDENCE OF JUDICIAL BRIBE SOLICITATION IN MEXICO (REFERENCED BUT UNAVAILABLE TO PETITIONER)(CONFIDENTIAL)

This exhibit will include documentation in the form of text messages showing a Mexican judicial officer, through intermediaries, solicited a bribe from Petitioner during preventative incarceration proceedings. Certified translations and supporting affidavits will be filed under seal and with request for the Court to treat them as confidential in order to avoid retribution to the Petitioner in the form of torture or other human rights violations.

Given that Petitioner is currently in ICE custody without access to means by which to obtain and copy such solicitation, he is not able to copy and add to this Petition the above-referenced request in time to file this Petition with the urgency that it requires.

This document remains referenced as part of the evidentiary framework supporting Petitioner's due-process and political-persecution claims.

EXHIBIT 5

EVIDENCE OF SYSTEMATIC TORTURE IN MEXICO IN PRETRIAL INCARCERATION

Human rights violations and evidence of widespread and systematic torture in prision preventiva (a form of pretrial incarceration) are well documented in Tzompaxtle Tecpile et al. v. Mexico (2023), García Rodríguez et al. v. Mexico (2023) and Daniel García Rodríguez and Reyes Alpizar Ortíz (2021). Organizations like Human Rights Watch and Amnesty International have extensively documented the widespread use of torture to force confessions from suspects in pretrial incarceration. A 2021 report noted that in one national survey of incarcerated people, nearly two-thirds reported physical abuse during their arrest, including beatings, electric shocks, and asphyxiation.

Additionally The UN Committee against Torture has repeatedly expressed concern over torture in Mexico's pretrial detention centers and highlighted the high level of impunity for the crime. A UN Working Group on Arbitrary Detention has also noted that arbitrary detention often acts as a catalyst for torture.

The (a) above summary and (b) following quotes and the entire articles from which they originate were intended to be provided to the IJ at the review but preempted by the IJ's refusal to submit evidence of torture and other significant human rights violations conducted in order to coerce captives in pretrial incarceration:

Torture and Pretrial Incarceration in Mexico: Key Findings and Citations

1) Tzompaxtle Tecpile et al. v. Mexico

"The legal figure of arraigo can lead to the practice of torture by creating spaces with little oversight and vulnerability for those subjected to it, who have no clearly defined legal status to exercise their right to defense." (para. 184)

Inter-American Court of Human Rights. (2022, November 7). Case of Tzompaxtle Tecpile et al. v. Mexico. Preliminary Objection, Merits, Reparations and Costs (Series C No. 470), para. 184. San José: Inter-American Court of Human Rights.

2) García Rodríguez and Reyes Alpízar Ortiz v. Mexico

"The State is responsible for the violation of the rights to personal integrity, contained in Articles 5.1 and 5.2 of the American Convention on Human Rights, in relation to the obligation of respect established in Article 1.1 of that instrument, and Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture, for the acts of torture committed to the detriment of Daniel García Rodríguez and Reyes Alpízar Ortiz." (para. 6)

Inter-American Court of Human Rights. (2023, January 25). Case of García Rodríguez and Reyes Alpízar Ortiz v. Mexico (Series C No. 482), para. 6. San José: Inter-American Court of Human Rights.

3) Daniel García Rodríguez and Reyes Alpízar Ortiz (IACHR Press Release)

"The case concerns acts of torture, violations of due process, and of personal liberty against Daniel García Rodríguez and Reyes Alpízar Ortiz."

Inter-American Commission on Human Rights. (2021, May 20). IACHR submits case on Mexico to the Inter-American Court of Human Rights: Daniel García Rodríguez and Reyes Alpízar Ortiz. Washington, D.C.: Organization of American States.

4) Human Rights Watch — Torture and Pretrial Incarceration

"Police and prosecutors commonly use torture to obtain confessions. Pretrial incarceration is mandatory for many offenses, violating international human rights standards."

Human Rights Watch. (2022). World Report 2022: Mexico. New York: Human Rights Watch.

5) Amnesty International — Torture to Extract Confessions

"Mexico's police and military use torture on a regular basis to extract 'confessions' ... the widespread use of torture continues to be tolerated by the authorities and virtually no one is brought to account for these crimes."

Amnesty International. (2014, July 23). Mexico: Drop unfair charges against tortured prisoner of conscience. London: Amnesty International.

6) National Institute of Statistics and Geography (INEGI) — ENPOL 2021

"48.6% of the incarcerated population reported physical aggression at the time of arrest ... 38.4% reported being kicked or punched ... and 23% reported being suffocated or strangled."

National Institute of Statistics and Geography (INEGI). (2021, December 7). Press Release No. 721/21: ENPOL 2021. Mexico City: INEGI.

7) United Nations Committee Against Torture — Endemic Torture and Impunity

"The use of torture in places of detention seemed endemic, while a climate of impunity prevailed – only seven per cent of the crimes of torture investigated by federal authorities between 2006 and 2018 had resulted in sentences."

Office of the United Nations High Commissioner for Human Rights. (2019, April 26). Committee against Torture reviews the report of Mexico. Geneva: OHCHR.

8) United Nations Working Group on Arbitrary Detention — Arbitrary Detention as Catalyst for Torture

"Arbitrary detention remains a widespread practice in Mexico and is too often the catalyst for ill-treatment, torture, enforced disappearance, and arbitrary executions."

Human Rights Watch. (2025). World Report 2025: Mexico. New York: Human Rights Watch (quoting United Nations Working Group on Arbitrary Detention, preliminary findings, 2023).

Note: All of the above sources refer to or encompass situations of pretrial incarceration—custodial confinement prior to conviction—including both arraigo (pre-charge) and prisión preventiva (post-charge) regimes, which have been repeatedly found to foster torture and coerced confessions in Mexico.

EXHIBIT 6

INTERPOL RED NOTICE REQUESTED BY MEXICAN GOVERNMENT (REFERENCED BUT UNAVAILABLE TO PETITIONER)

Petitioner has not been provided a copy of the Interpol Red Notice issued under A-Number [redacted] Based on credible reports and public information in Mexico, Petitioner believes this notice was requested by the Mexican government as part of the same politically motivated and corrupt case involving the judicial bribery solicitation described above.

Petitioner respectfully explains that, while detained at Otay Mesa Detention Center, he cannot access Interpol or foreign-government databases. He therefore requests that Respondents or the Court obtain or confirm the existence and contents of the Red Notice under seal so that it may be included in the record.

This document remains referenced as part of the evidentiary framework supporting Petitioner's due-process and political-persecution claims.

Otay Mesa Detention Center
San Diego, California

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Jesús Estuardo Luján Irastorza, Petitioner (Pro Se),

v.

Pam Bondi, Attorney General of the United States;
Kristi Noem, Secretary of Homeland Security;
Rodney S. Scott, Commissioner, U.S. Customs and Border Protection;
Sirce E. Owen, Acting Director, Executive Office for Immigration Review;
Christopher J. LaRose, Warden, Otay Mesa Detention Center; and
U.S. Immigration and Customs Enforcement (ICE), Respondents.

Civil Action No. '25CV2981 CAB KSC

CERTIFICATE OF SERVICE

I, Jesús Estuardo Luján Irastorza, hereby certify that on this 27th day of October, 2025, I served copies of the foregoing Notice of Filing and the attached Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order and Stay of Removal by placing them in the institutional legal mail system, addressed as follows:

- U.S. Attorney's Office, Civil Division, 880 Front Street, Room 6293, San Diego, CA 92101-8893
- Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001
- Warden, Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92154

I declare under penalty of perjury that the foregoing is true and correct.

Jillian Lopez, Authorized Third Party Filer
on Behalf of Jesús Estuardo Luján Irastorza
Petitioner, Pro Se
Otay Mesa Detention Center
San Diego, California

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