

**DETAINED**

1 Mario G. Portugal, SBN 337525  
2 Global Law Group San Diego P.C.  
3 1455 Frazee Road, Suite 500,  
4 San Diego, CA 92108  
5 Tel: (858) 833-2020

6 Attorney for Petitioner Antonio Martinez Ocampo

7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 ANTONIO MARTINEZ OCAMPO,  
12 Petitioner,

13 v.

14 CHRISTOPHER J. LAROSE, et al.,  
15  
16 Respondents.

Case No.: 25-cv-3120-JO-VET

**DECLARATION OF  
PETITIONER IN SUPPORT OF  
WRIT OF HABEAS CORPUS**


17  
18 **DECLARATION OF ANTONIO MARTINEZ OCAMPO IN SUPPORT OF**  
19 **PETITION FOR WRIT OF HABEAS CORPUS:**

20 I, Antonio Martinez Ocampo, declare:

21  
22 1. I am the Petitioner in this case, and I am currently detained by Immigration  
23 and Customs Enforcement (ICE) in the Southern District of California. I am detained at  
24 Otay Mesa Detention Facility and therefore make this declaration under the Court's  
25 jurisdiction. I submit this declaration in support of my Petition for Writ of Habeas  
26 Corpus. I have personal knowledge of the facts stated below and could testify to them  
27 if called.  
28

1           2.     I am a native and citizen of Mexico.

2           3.     I am a father of six children, five of which are United States citizens, and  
3 one of whom is a Deferred Action for Childhood Arrivals (DACA) recipient, who  
4 depend on me emotionally and financially.

5           4.     I was born on  1962. I am sixty-three (63) years old. My age places  
6 me at heightened medical vulnerability, increases the risks associated with confinement,  
7 and weighs heavily against prolonged detention, especially where the government has  
8 not shown any legitimate justification for keeping me incarceration.

9           5.     I have lived in the United States cumulatively for over three decades, since  
10 the 1980s, and continuously for two, since 1999, and have paid taxes. For the past 25+  
11 years, this country has been my home. Every significant part of my life, my family, my  
12 work history, my community ties, and my roots, is here in the United States. This nation  
13 is where I have lived for much of my life, and it is the only place where my children  
14 and grandchildren have ever known me.

15           6.     My family consists of United States citizens who depend on me every day.  
16 My children and grandchildren compose of United States citizens. I have been a  
17 constant presence in their lives, emotionally, financially, and physically. My detention  
18 has caused enormous suffering to them. My grandchildren ask when I am coming home.

19           7.     My family is anchored here. I am anchored here.

20           8.     I am not a flight risk.

1 9. United States Immigration and Customs Enforcement (ICE) itself only  
2 discovered my case through as routine A-File review, not because I was hiding, evading,  
3 or engaging in any conduct suggesting flight.  
4

5 10. On or about August 7, 2025, I was detained by ICE while driving and have  
6 been in ICE's custody since.  
7

8 11. I have demonstrated my commitment and permanent ties to the United  
9 States in the most profound ways. I even purchased a cemetery plot in Oceanside,  
10 California, in December of 2000, reflecting that my intention that this country be my  
11 final resting place. This decision was not symbolic. My life, my relationships, my  
12 family, and my future (and even the resting place for the end of my life) are rooted in  
13 the United States. I have nowhere else to go and no desire to leave the place I have  
14 called home for more than two decades.  
15  
16

17 12. For more than twenty-five (25) years, I have lived openly in the United  
18 States and have paid taxes.  
19

20 13. I have deep ties that far exceed those of many non-detained individuals  
21 who are routinely released by ICE.  
22

23 14. I have never attempted to flee removal proceedings and have every  
24 intention of continuing to comply with all legal obligations.  
25

26 15. My U.S. citizen children and grandchildren, including a U.S. Navy  
27 grandson, give me overwhelming and unbreakable incentive to appear for every  
28 hearing.

1 16. Detention is unnecessary to secure my appearance because I have nowhere  
2 else to go and absolutely no intention of abandoning my family or my legal case.

3  
4 17. I am not a danger to the community.

5 18. I have longstanding support from neighbors, family members, and  
6 individuals who know me as a peaceful, stable, hardworking person.

7  
8 19. I am not subject to mandatory detention.

9 20. ICE is choosing to detain me.

10 21. Because my detention is discretionary, the government must justify it.

11 22. The government has failed to do so.

12  
13 23. Prolonged discretionary detention, without an individualized assessment  
14 of dangerousness or flight risk, violates due process.

15 24. My continued detention is unconstitutional and punitive.

16  
17 25. Immigration detention is civil, not criminal, and yet I am being held in  
18 conditions that mirror criminal incarceration without the procedural protections  
19 afforded to criminal defendants.

20  
21 26. I requested a bond with the Immigration Court on August 20, 2025, and  
22 the immigration judge granted it.

23  
24 27. On September 12, 2025, the Department of Homeland Security (DHS)  
25 reserved a baseless appeal, which is currently pending with the Board of Immigration  
26 Appeals (BIA).

1 28. Detention is supposed to ensure appearance at hearings, not to punish or  
2 break individuals with family ties spanning generations.

3  
4 29. My detention serves no legitimate government purpose.

5 30. This detention is causing severe physical, emotional, and mental harm.

6 31. I suffer from diabetes, which requires constant medical monitoring and  
7 appropriate care.  
8

9 32. As a result of my combined work in the United States as an agricultural  
10 laborer and handyman, I have worked with chemicals most of my life. These chemicals  
11 have impacted my bronchioles, and I was advised that I was at an elevated risk of  
12 developing lung cancer. In extreme cold and heat, my bronchioles have difficulty, and  
13 it is hard to breathe. These temperature polarities are common at Otay Mesa Detention  
14 Facility, and I am scared for my health. Outside of detention, I used an inhaler to manage  
15 these symptoms when they were triggered.  
16  
17

18 33. By virtue of having been an agricultural laborer, I was granted amnesty in  
19 the United States in 1986, but did not update address to receive letters, and my amnesty  
20 was revoked on or about 1995, and in 1999, I was granted voluntary departure. In 1999,  
21 I returned through a port of entry near Tecate, and I was allowed to enter.  
22

23 34. Detention facilities are not designed to provide the level of medical  
24 attention my condition demands.  
25  
26  
27  
28

1 35. I have also experienced difficulties in managing my diabetes while in  
2 custody, including limited access to timely care, appropriate diet, and proper  
3 monitoring.  
4

5 36. Diabetes puts me at increased risk of serious complications in detention,  
6 including infection, glucose instability, and long-term harm.  
7

8 37. My medical conditions strongly favor release under any fair risk  
9 assessment and make continued detention unjustifiable.

10 38. The stress and uncertainty have taken a serious toll on my well-being.  
11

12 39. My family's emotional and financial stability have been devastated.

13 40. The continued confinement is inflicting needless suffering on me and on  
14 the U.S. citizen children and grandchildren who depend on me.  
15

16 41. Less restrictive alternatives are not only available, but they are also more  
17 than adequate.

18 42. I have a stable home and strong community support to return to  
19 immediately.  
20

21 43. There is absolutely no reason for ICE to keep me confined in a facility  
22 when practical, effective, and human alternatives exist.  
23

24 44. I respectfully request that the Court grant my petition.

25 45. I ask this Court to order my immediate release. The government has had  
26 ample time to justify my detention.  
27  
28

1           46. After more than twenty-five (25) years in this country, a family of U.S.  
2 citizens, no risk or flight, no danger to the community, and extreme hardship caused by  
3 detention, continued incarceration is unjust and unlawful.  
4

5  
6 I declare that the foregoing is true and correct under penalty of perjury of the laws of  
7 the State of California.  
8

9  
10 Dated: 11/20/2025

/s/ Antonio Martinez Ocampo  
Antonio Martinez Ocampo