

**United States District Court
Western District of Texas
San Antonio Division**

December 24, 2025


Re: Gerardo Fidel Zevallos Ramos

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Case No. SA-25-CV-01524-JKP

FILED

DEC 29 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

Honorable Judge,

I, **Gerardo Fidel Zevallos Ramos**, respectfully submit this letter to clarify the circumstances identified in the Court's order denying my Emergency Motion and to respectfully request that the Court reconsider acceptance of my re-filed Emergency Motion.

I apologize to the Court for any confusion caused by the prior filing.

I am proceeding **pro se** and am currently detained at the South Texas ICE Processing Center. I prepared my Emergency Motion myself using the detention facility law library. The motion was written by me and requested by me, without legal representation. **My spouse, Maribel Zevallos, is not acting as my attorney and has never represented herself as such.**

I did not mail the Emergency Motion directly from the detention facility because I was concerned it would be lost or delayed. The legal mail system here is unreliable. I have previously submitted paperwork internally that did not reach the intended court or authority. Because of this, I mailed my completed documents to my spouse solely so she could forward them to the Court and ensure they were received. Her involvement was limited to mailing only.

The appearance of my spouse's address on the envelope was not intended to suggest legal representation, and I respectfully clarify that no attorney-client relationship exists.

Regarding the signature issue, I did not intend to submit an unsigned motion. I do not have access to pens in the detention facility and am limited to pencils. I did not believe a pencil signature would be accepted, which is why I attempted to use an electronic signature. I understand now that the Court requires a handwritten signature, and I apologize for this procedural error.

I am now submitting this letter directly from the detention facility to clarify these issues and to confirm that I am proceeding **pro se**, that the Emergency Motion was authored and requested by me, and that my spouse's involvement was limited to mailing assistance only.

I respectfully ask the Court to please accept and consider my re-filed Emergency Motion as written by me and submitted by me, **pro se**.

Thank you for the Court's time and consideration.

Respectfully submitted,

Gerardo Fidel Zevallos Ramos
Petitioner, Pro Se
South Texas ICE Processing Center
Pearsall, Texas 78061

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resets. Continued delay risks rendering habeas relief meaningless while Petitioner remains confined.

Petitioner therefore respectfully requests that the Court **enforce the expedited response framework mandated by 28 U.S.C. § 2243** and order Respondents to show cause **within THREE (3) DAYS** why the writ should not be granted.

II. STATUTORY AUTHORITY FOR EXPEDITED REVIEW

Under **28 U.S.C. § 2243**, once a habeas petition is filed, the Court is directed to proceed promptly:

“The writ, or order to show cause, shall be directed to the person having custody of the person detained. The return shall be made **within three days** unless for good cause additional time, not exceeding twenty days, is allowed.”

Although the Court’s service order provided Respondents sixty (60) days to respond, § 2243 expressly authorizes the Court to **shorten the response period** when a petitioner’s liberty is restrained and delay would perpetuate unlawful custody. Courts routinely enforce this provision where detention is ongoing and irreparable harm is present.

III. CHANGED CIRCUMSTANCES AND PROCEDURAL DISRUPTIONS

1. Petitioner is pursuing **Cancellation of Removal under INA § 240A(b) (EOIR-42B)**.
2. A **final merits hearing** to adjudicate Petitioner’s 42B application was scheduled for **December 11, 2025**, at 8:30 a.m.
3. **Petitioner was not produced for court on December 11, 2025**, and no hearing occurred.
4. Later that same day, Petitioner received notice that the December 11 final hearing had been **reset to December 26, 2025**, with reassignment to a different Immigration Judge.
5. Subsequently, the December 26, 2025 hearing was again **reset to December 30, 2025**, at 8:30 a.m.
6. As a result, **Petitioner’s final merits hearing has now been disrupted multiple times**, through no fault of his own, while he remains continuously detained.
7. No custody determination has been made during these delays, and Petitioner remains confined without a reliable or predictable timeline for adjudication.

These repeated resets, failures to produce Petitioner, and judge reassignments demonstrate **procedural instability** and extend detention beyond what is reasonably related to any legitimate immigration purpose.

IV. PROLONGED DETENTION AND DUE PROCESS VIOLATIONS

Civil immigration detention is constitutionally permissible only so long as it bears a reasonable relationship to its purpose. Detention that becomes **indefinite, prolonged, or untethered from meaningful adjudication** violates the Due Process Clause of the Fifth Amendment.

Here, Petitioner's detention continues while:

- A scheduled **final hearing did not occur**;
- Hearings are repeatedly reset after the fact;
- No authority has exercised custody jurisdiction; and
- Resolution of Petitioner's case remains uncertain and delayed.

Absent expedited judicial intervention, Petitioner faces continued confinement without meaningful process, rendering habeas relief ineffective.

Prolonged detention compounded by repeated and unpredictable hearing disruptions violates due process.

The Fifth Circuit has recognized that immigration detention becomes constitutionally problematic when it is prolonged and exacerbated by government-caused procedural disruption. See **Maldonado-Bautista v. Garland**, ___ F.4th ___ (5th Cir. 2023). In *Maldonado-Bautista*, the court confirmed that detention may violate the Fifth Amendment where delays and irregularities attributable to the government interfere with the fair and orderly adjudication of a noncitizen's case.

Petitioner's detention reflects precisely the type of government-caused disruption condemned in *Maldonado-Bautista*. Prior to November 24, 2025, Petitioner had already been scheduled for a pre-trial hearing on December 5, 2025, and a final merits hearing on December 23, 2025 before Immigration Judge Alcorn. Despite these existing settings, on November 24, 2025, Petitioner was unexpectedly removed from his housing unit and informed that he was being taken to what he was told was his final hearing. Because this appearance had not been noticed as a final hearing and Petitioner was unprepared, the Immigration Judge reset the final hearing for December 11, 2025.

Thereafter, Petitioner's final hearing was again disrupted and rescheduled multiple times without fault on his part—first moved from December 11, 2025 to December 26, 2025, and then again to December 30, 2025. These repeated changes, including an unexpected premature “final” hearing, successive resets, and continued custody throughout, have materially delayed adjudication of Petitioner's pending relief while he remains detained. Under *Maldonado-Bautista*, such prolonged detention coupled with repeated government-driven hearing disruptions renders continued custody unreasonable and constitutionally infirm, warranting expedited judicial review and immediate custody determination.

V. REQUEST TO SHORTEN RESPONSE TIME

Given the foregoing circumstances, Petitioner respectfully requests that the Court **enforce 28 U.S.C. § 2243** and order Respondents to file a return **within THREE (3) DAYS**.

Waiting up to sixty (60) days for a response would compound the ongoing deprivation of liberty and perpetuate the very constitutional injury the writ of habeas corpus is designed to prevent.

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Court:


1. **Grant this Emergency Motion;**
2. **Order Respondents to show cause within THREE (3) DAYS pursuant to 28 U.S.C. § 2243** why the writ should not be granted;
3. **Expedite judicial review** of Petitioner's habeas petition; and
4. **Order an immediate custody determination or Petitioner's release under appropriate conditions**, or grant such other relief as the Court deems just and proper to prevent further unlawful detention.

VII. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 24 day of December, 2025.

Gerardo Fidel Zevallos Ramos

X 

Petitioner, Pro Se

South Texas ICE Processing Center

Pearsall, Texas 78061

CERTIFICATE OF SERVICE

I, **Gerardo Fidel Zevallos Ramos**, certify under penalty of perjury that on this ____ day of December, 2025, I caused a true and correct copy of the following document:

Emergency Motion to Enforce 28 U.S.C. § 2243, Shorten Response Time, and for Expedited Judicial Review and Immediate Custody Determination

to be served by **U.S. Mail / institutional legal mail** upon the following:

Clerk of Court

United States District Court
Western District of Texas
San Antonio Division
262 W. Nueva Street, Suite 1-400
San Antonio, TX 78207

United States Attorney's Office

Western District of Texas
San Antonio Division
601 NW Loop 410, Suite 600
San Antonio, TX 78216

Service was effected by depositing the foregoing in the institutional legal mail system at the South Texas ICE Processing Center, properly addressed and postage prepaid.

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

Executed on this 24 day of December, 2025, at Pearsall, Texas.

Gerardo Fidel Zevallos Ramos

Petitioner, Pro Se
South Texas ICE Processing Center
Pearsall, Texas 78061

