

1 **MARDY M. SPROULE**
2 California State Bar No. 207048
3 **LAW OFFICES OF MARDY M. SPROULE**
4 15141 Whittier Blvd, Suite 250
5 Tel (323)726-0999
6 Fax (323)726-0990
7 Email: Mardy.Sproule@att.net

8 Attorney for Petitioner, *Juan Gabriel Ramirez Caracosa*

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 Juan Gabriel RAMIREZ CARACOSA

Case No.: '25CV3446 LL MMP

12 Petitioner,

13
14 v.

15 KRISTI NOEM, Secretary of
16 Department of Homeland Security;
17 PAMELA BONDI, Attorney General of
18 the United States; TODD LYONS,
19 Acting Director, United States
20 Immigration and Customs Enforcement;
21 GREGORY J. ARCHAMBEAULT,
22 Director, San Diego Field Office, United
23 States Immigration and Customs
24 Enforcement and Removal Operations;
25 CHRISTOPHER J. LAROSE, Warden,
26 Otay Mesa Detention Center;
27 EXECUTIVE OFFICE FOR
28 IMMIGRATION REVIEW,

Respondents,

**PETITION FOR WRIT OF HABEAS
CORPUS, PURSUANT TO 28 U.S.C.
§ 2241; COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF UNDER
THE ADMINISTRATIVE
PROCEDURE ACT,
5 U.S.C. §§ 702-706**

1 sites in Los Angeles County. During this action, Petitioner was detained without
2 probable cause and subjected to questionable enforcement measures. **Ex. A, C.**
3

4 3. At the time of his arrest, he was physically present within the
5 interior of the United States, where he has resided continuously since 2006.
6

7 4. Petitioner is now detained at the Otay Mesa Detention Center, where
8 he has remained for five months, separated from his wife and four daughters,
9 unable to assist with the care of his two disabled children.
10

11 5. Petitioner filed a Motion for Bond and Custody Redetermination
12 before the Immigration Judge. His request for a hearing was denied on
13 December 5, 2025, having found that the Immigration Court did not have
14 jurisdiction. **Ex. B.** The Immigration Judge further found that court in *Bautista*
15 *v. Noem*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) “did not issue a class-wide
16 declaratory judgment...until and unless the Bautista court issue[d] a class-wide
17 declaratory judgement or injunction, the Bautista court’s opinion and patrial grant
18 of summary judgement does not constitute a judgment”. **Ex. B.**
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22 6. Despite his established presence and residence in the United States,
23 the Department of Homeland Security (DHS) and the Executive Office for
24 Immigration Review (EOIR) have improperly deemed him to be an “arriving
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1 alien” seeking admission to the United States and has subjected him to
2 mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
3

4 7. On July 8, 2025, the DHS issued a nationwide policy directive
5 instructing Immigration and Customs Enforcement (ICE) officers to treat all
6 individuals deemed inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) — that is,
7 persons present in the United States without admission or parole — as “arriving
8 aliens” who are “seeking admission” to the United States. The policy further
9 directs that such individuals be detained pursuant to 8 U.S.C. § 1225(b)(2)(A),
10 rendering them ineligible for release on bond during the pendency of removal
11 proceedings. This policy represents a significant departure from long-standing
12 statutory interpretation and practice, which distinguished between individuals
13 apprehended at the border and those arrested in the interior after having
14 established residence in the United States.
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19 8. Following this directive, the Board of Immigration Appeals (“BIA”)
20 issued a precedential decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA
21 2025), holding that immigration judges lack Authority to hear bond requests or to
22 grant bond to aliens...who are present in the United States without admission
23 pursuant to INA §235(b)(2)(A), 8 U.S.C. §1225(b)(2)(A). The Board essentially
24 determined that such persons are subject to mandatory detention under 8 U.S.C. §
25 1225(b)(2)(A) and therefore must remain detained throughout the pendency of
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1 their removal proceedings. This decision has effectively stripped Immigration
2 Judges of their long-recognized authority to assess custody in these cases,
3 resulting in prolonged and unjustified detention of individuals like Mr. Ramirez
4 Caracosa who is now encountering ICE 19 years after his entry into the United
5 States.
6
7

8 9. The mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A)
9 does not apply to Mr. Ramirez Caracosa. Section 1225(b)(2)(A) governs only
10 those individuals who are applicants for admission encountered at or near the
11 border, not those who have already entered and established residence in the
12 interior. Because Mr. Ramirez Caracosa entered the United States in October
13 2006, and was arrested in Los Angeles, California, well within the United States,
14 he is properly subject to 8 U.S.C. § 1226(a) — the statute that governs custody of
15 individuals arrested after entry and permits their release on conditional parole or
16 upon payment of bond.
17
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21 10. By treating Mr. Ramirez Caracosa as an arriving alien subject to §
22 1225(b)(2)(A), he has been unlawfully deprived of his statutory right to a bond
23 redetermination and has been imposed with indefinite detention inconsistent with
24 the Immigration and Nationality Act, constitutional due process, and long-
25 standing circuit precedent distinguishing between detention of those “seeking
26 admission” and those “present in the United States”.
27
28

1 11. Petitioner also brings this petition for a writ of habeas corpus to seek
2 enforcement of his rights as a member of the Bond Denial Class certified in
3 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)
4 Petitioner is in the physical custody of Respondents at the Otay Mesa Detention
5 Center. He now faces unlawful detention because the DHS and EOIR have
6 refused to abide by the declaratory judgment issued on behalf of the certified
7 class in *Maldonado Bautista v. Santacruz*.
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11 12. On November 20, 2025, the district court granted partial summary
12 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
13 nationwide class and extended declaratory judgment to the certified class.
14 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d
15 ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial
16 summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
17 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL
18 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners'
19 proposed nationwide Bond Eligible Class, incorporating and extending
20 declaratory judgment from Order Granting Petitioners' Motion for Partial
21 Summary Judgment).
22
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26 13. The declaratory judgment held that the Bond Denial Class members
27 are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration
28

1 for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL
2 3289861, at *11.
3

4 14. Nonetheless, EOIR and its subagency the Immigration Court and the
5 DHS have blatantly refused to abide by the declaratory relief and have
6 unlawfully ordered that Petitioner be denied the opportunity to be released on
7 bond.
8

9 15. Petitioner, Juan Gabriel Ramirez Caracosa, is a member of the
10 Bond Eligible Class, as he:
11

- 12 a. does not have lawful status in the United States and is
13 currently detained at the Otay Mesa Detention Center. He
14 was apprehended by immigration authorities on July 1, 2025
15 and has been held in custody since that date;
16
17 b. entered the United States without inspection over 19 years ago
18 and was not apprehended upon arrival, *cf. id.*; and
19
20 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or
21 § 1231.
22

23 16. After apprehending Petitioner on July 1, 2025, DHS placed him in
24 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged him with
25 being present in the United States without admission, in violation of 8 U.S.C. §
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1 1182(a)(6)(A)(i); and not being in possession of a valid entry documentation, in
2 violation of 8 U.S.C. §1182(a)(7)(A)(i).
3

4 17. The Court should expeditiously grant this petition.

5 18. Respondents are bound by the judgment in *Maldonado Bautista*, as it
6 has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
7

8 Nevertheless, Respondents continue to flagrantly defy the judgment in that case
9 and continue to subject Petitioner to unlawful detention despite his clear
10 entitlement to consideration for release on bond as a Bond Eligible Class member.
11

12 19. Immigration judges (“IJ”) have informed class members in bond
13 hearings that they have been instructed by “leadership” that the declaratory
14 judgment in *Maldonado Bautista* is not controlling, even with respect to class
15 members, and that instead IJs remain bound to follow the agency’s prior decision
16 in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
17

18 20. Because Respondents are detaining Petitioner in violation of the
19 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly
20 order that within one day, Respondent DHS must release Petitioner.
21

22 21. Alternatively, the Court should order Petitioner’s release unless
23 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.
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1 26. Respondent, Todd Lyons, is the acting director of United States
2 Immigration and Customs Enforcement. He has a mandate, pursuant to 6 U.S.C.
3 §§ 251(2) and 252(a)(3)(A)(ii) and 8 U.S.C. §§ 1103(a)(1) and 1103(g)(2), to
4 exercise any functions delegated to him by the Secretary of Homeland Security,
5 including the enforcement of the INA and all other laws, regulations, and policies
6 pertaining to the immigration and naturalization of immigrants, and the
7 apprehension and detention of noncitizens for removal from the United States.
8 He is sued in his official capacity.
9
10

11 27. Respondent, Gregory J. Archambeault, San Diego Field Office
12 Director, United States Immigration and Customs Enforcement and Removal
13 Operations. He has a duty, delegated to him by the Secretary of the United States
14 Department of Homeland Security and the Director of United States Immigration
15 and Customs Enforcement, to supervise the apprehension, detention, and removal
16 of noncitizens within the San Diego, California metropolitan area. He is sued in
17 his official capacity.
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22 28. Respondent, Christopher J. LaRose, Otay Mesa Detention Center
23 warden, the immediate custodian of Petitioner, who bears the responsibility for
24 detaining him pending removal proceedings. He is sued in his official capacity.
25

26 29. Respondent, Executive Office for Immigration Review ("EOIR"), is
27 a component agency of the Department of Justice responsible for conducting
28

1 removal and bond hearings of noncitizens. EOIR is comprised of a lower
2 adjudicatory body administered by immigration judges and an appellate body
3 known as the Board of Immigration Appeal (“BIA”). Immigration judges issue
4 bond redetermination hearing decisions, which are then subject to appeal to the
5 BIA.
6
7

8 JURISDICTION AND VENUE

9
10 30. Petitioner is in the physical custody of Respondents. Petitioner is
11 detained at the Otay Mesa Detention Center.

12 31. This Court has jurisdiction under 28 U.S.C. §2241(c)(5) (habeas
13 corpus), 28 U.S.C. §1331 (federal question), and Article I, Section 9, Clause 2, of
14 the United States Constitution (Suspension Clause).
15

16 32. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410
17 U.S. 484, 493-500 (1973), venue lies in the United District Court for the Southern
18 District of California because Petitioner is detained in Otay Mesa, California,
19 where Respondents are employees, officers, and agencies of the United States,
20 and violation of the Constitution, laws or treatises thereof occurred in the
21 Southern District. 28 U.S.C. §1391, 2241.
22
23

24 33. This Court may grant relief pursuant to 28 U.S.C. §2241, the
25 Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, and the All Writs Act, 28
26 U.S.C. §1651.
27
28

REQUIREMENTS OF 28 U.S.C. § 2243

34. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

35. In *Maldona Bautista, supra*, the District Court agreed with petitioners that:

“ 8 U.S.C. §1225 and 8 U.S.C. §1226 are distinct regimes meant to address separate categories of noncitizens. The latter provides the “default detention authority” for all persons detained pending a removal decision, while the former has a limited temporal scope that concerns “inspection” and “expedited removal of inadmissible arriving [noncitizens]”. [Motion at 24–29]. See also *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499 at *17 (W.D. Wash. Sept. 30, 2025) (concluding that a “plain reading of [section 1226] implies that default discretionary bond procedures in section 1226(a) apply to noncitizens who . . . are ‘present in the United States without being admitted or paroled’ under section 1182(a)(6)(A) but have not been implicated in any crimes as set forth in section 1226(c).”). See *id.* (evaluating the language of § 1226 as “lend[ing] strong textual support that ‘inadmissible’ noncitizens . . . are included within section 1226”).

Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *15 (C.D. Cal. Nov. 20, 2025).

36. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action

1 from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116,
2 1120 (9th Cir. 2000) (citation omitted).
3

4 LEGAL FRAMEWORK

5 37. This case concerns the detention provisions at §§ 1226(a) and
6 1225(b)(2).
7

8 38. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted
9 as part of the Illegal Immigration Reform and Immigrant Responsibility Act
10 (IIRIRA) of 1996, Pub. L. No. 104—208, Div. C, §§ 302–03, 110 Stat. 3009-546,
11 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended
12 earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).
13
14

15 39. Thus, in the decades that followed, most people who entered without
16 inspection and were placed in standard removal proceedings received bond
17 hearings, unless their criminal history rendered them ineligible. That practice was
18 consistent with many more decades of prior practice, in which noncitizens who
19 were not deemed “arriving” were entitled to a custody hearing before an IJ or
20 other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-
21 469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
22 authority previously found at § 1252(a)).
23
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26 40. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new
27 policy that rejected well-established understanding of the statutory framework
28

1 and reversed decades of practice. The new policy, entitled “Interim Guidance
2 Regarding Detention Authority for Applicants for Admission,” claims that all
3 persons who entered the United States without inspection shall now be deemed
4 “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to
5 mandatory detention provision under § 1225(b)(2)(A). The policy applies
6 regardless of when a person is apprehended and affects those who have resided in
7 the United States for months, years, and even decades.
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11 41. On September 5, 2025, the BIA published *Matter of Yajure*
12 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), a precedential decision holding that
13 holding that immigration judges lack authority to hear bond requests or to grant
14 bond to aliens...who are present in the United States without admission pursuant
15 to INA §235(b)(2)(A), 8 U.S.C. §1225(b)(2)(A). The BIA essentially determined
16 that such persons who entered without inspection are subject to mandatory
17 detention under 8 U.S.C. § 1225(b)(2)(A).
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21 42. A multitude of cases that have concluded that applying Section 1225
22 in this situation “(1) disregards the plain meaning of section 1225(b)(2)(A); (2)
23 disregards the relationship between sections 1225 and 1226; (3) would render a
24 recent amendment to section 1226(c) superfluous; and (4) is inconsistent with
25 decades of prior statutory interpretation and practice.” *Lepe v. Andrews*, __ F. Supp.
26 3d __, 2025 WL 2716910, at *4 (E.D. Cal. Sept. 23, 2025) (citing cases).
27
28

1 43. The text of § 1226 also explicitly applies to people charged as being
2 inadmissible, including those who entered without inspection. See 8 U.S.C. §
3 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by
4 default, such people are afforded a bond hearing under subsection (a). By contrast,
5 § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered
6 the United States. The statute's entire framework is premised on inspections at the
7 border of people who are "seeking admission" to the United States. 8 U.S.C. §
8 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory
9 detention scheme applies "at the Nation's borders and ports of entry, where the
10 Government must determine whether a [noncitizen] seeking to enter the country is
11 admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

12 Accordingly, the mandatory detention provision of § 1225(b)(2) does not
13 apply to people like Petitioner, who have already entered and were residing in the
14 United States at the time they were apprehended.

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21 **CLAIMS FOR RELIEF**
22 **Violation of the INA**

23 44. Petitioner incorporates by reference the allegations of fact set forth in
24 the preceding paragraphs.

25 45. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
26 apply to all noncitizens residing in the United States who are subject to the grounds
27
28

1 of inadmissibility. As relevant here, it does not apply to those who previously
2 entered the country and have been residing in the United States prior to being
3 apprehended and placed in removal proceedings by Respondents. Such noncitizens
4 are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or
5 § 1231.
6
7

8 46. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
9 continued detention and violates the INA.
10

11 **Request for Relief Pursuant to *Maldonado Bautista***

12 47. As a member of the Bond Eligible Class, Petitioner is entitled to
13 consideration for release on bond under 8 U.S.C. § 1226(a).
14

15 48. The order granting partial summary judgment in *Maldonado Bautista*
16 holds that Respondents violate the INA in applying the mandatory detention statute
17 at § 1225(b)(2) to class members.
18

19 49. The order granting class certification in *Maldonado Bautista* further
20 orders that “[w]hen considering this determination with the MSJ Order, the Court
21 extends the same declaratory relief granted to Petitioners to the Bond Eligible
22 Class as a whole.”
23
24

25 50. Respondents are parties to *Maldonado Bautista* and bound by the
26 Court’s declaratory judgment, which has the full “force and effect of a final
27 judgment.” 28 U.S.C. § 2201(a).
28

- 1 b. Issue a writ of habeas corpus requiring that within one day, Respondents
2 release Petitioner;
3
4 c. Alternatively, issue a writ of habeas corpus requiring Respondents to
5 release Petitioner unless they provide Petitioner with a bond hearing
6 pursuant to 8 U.S.C. § 1226(a) within 7 days;
7
8 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice
9 Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis
10 justified under law; and
11
12 e. Grant any other and further relief that this Court deems just and proper.
13

14 Dated: December 5, 2025

15 Respectfully Submitted,
16 S/ Mardy M. Sproule

17 Attorney for *Juan Gabriel Ramirez Caracosa*
18 Email: Mardy.Sproule@att.net
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EXHIBIT INDEX

EXHIBITS

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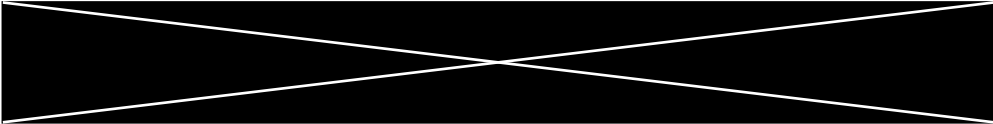

EXHIBIT A

DECLARATION OF JUAN GABRIEL RAMIREZ CARACOSA

TRANSLATION OF DECLARATION OF JUAN GABRIEL RAMIREZ CARACOSA

//I, Juan Gabriel Ramirez-Caracosa, being of sound mind and over the age of the majority, hereby declare as follows:

1. I am native and citizen of Mexico.
2. I entered the United States in October 2006 without inspection. I have never left the country since that date.
3. I am married to Evelia Ceballos. We have four daughters: [REDACTED] and [REDACTED] [REDACTED] were both born in the United States [REDACTED]
[REDACTED]
4. [REDACTED] who is 14 years old, has a diagnosis of Autism. She is not able to engage in back and forth conversations, she speaks in short phrases, her communication is child-like and she does not make eye contact. [REDACTED] also requires assistance with her activities of daily living, including showering, washing her hair, scrubbing her body, brushing her teeth, and dressing. She sometimes uses her hands to feed herself rather than a spoon or a fork, including when trying to eat soup. [REDACTED] has no sense of danger and requires supervision at all times. [REDACTED] is also a client of the Regional Center, an organization that provides services to individuals with developmental disabilities.
5. [REDACTED] who is 10 years old, also has a diagnosis of Autism. In addition, [REDACTED] also suffers from anxiety. [REDACTED] is toilet trained in the daytime but still requires a diaper at night. She also requires assistance with her activities of daily living such as bathing, washing her hair, and brushing her teeth. [REDACTED] cannot tie her shoes, fasten buttons, or manage zippers. Of most concern, she also engages in self-injurious behavior. She is also a client of the Regional Center.

6. Both my wife and I are the primary caretakers of the two girls. We have been fortunate that prior to my detention, I was able to sustain my household on my income alone so that my wife can dedicate herself to helping our daughters.
7. I also have chronic medical issues including back pain from a prior work injury, dysphagia, gastroesophageal reflux disease with esophagitis, vitamin D deficiency, and hearing loss in the left ear.
8. I was then taken into the custody of Immigration and Customs Enforcement (ICE) without a properly issued warrant on July 1, 2025, while working on a private property that was under construction.
9. I have been working in construction for over 15 years and have been with the same employer.
10. As I was pulling out of the driveway of the house I was working on July 1, 2025, two masked and armed officers approached me and asked me if I "had papers". I was stunned when I saw them and froze. I responded no and they handcuffed me and took me into custody.
11. I have been detained at the Otay Mesa Detention Facility since then.
12. My entire family has been negatively impacted by my prolonged detention. My wife was recently diagnosed with high blood pressure and has insomnia. 

13.  has been suffering from chronic headaches. She began to participate in mental health treatment to work on reducing stress related symptoms and behaviors that are impairing her functioning. The separation from me has been extremely difficult for her. She engages in emotional meltdowns, she hides in the corner and cries softly to herself.

14. [REDACTED] has recently been diagnosed with depression. She also started to participate in mental health treatment to work on reducing stress related symptoms and behaviors that are impairing her functioning. Since I was detained, [REDACTED] has become more irritable and gets upset quicker. She engages in tantrum behaviors, dropping herself on the floor and will injure herself and others, she also breaks objects, and chops pieces of her hair off.

15. I do not have any criminal history.

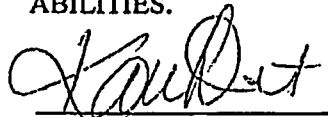
16. If released on bond I will be able to return to my family and help my wife support our daughters.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

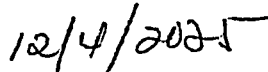
/Signature/

Juan Gabriel Ramirez Caracosa//

I CERTIFY THAT THE ABOVE IS A COMPLETE AND ACCURATE TRANSLATION OF THE ATTACHED DOCUMENT. I FURTHER CERTIFY THAT I AM A TRANSLATOR CONVERSANT IN BOTH ENGLISH AND SPANISH, COMPETENT TO TRANSLATE THE ATTACHED DOCUMENT AND THE TRANSLATION IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



KARLA DE LA TORRE
TRANSLATOR



DATE

EXHIBIT B

BOND DENIAL



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

RAMIREZ-CARACOSA, JUAN
GABRIEL

To:

Sproule, Mardy M
15141 Whittier Blvd
Suite 250
Whittier, CA 90603

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/05/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The respondent entered the United States without inspection, and is subject to mandatory detention under Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). Although the United States District Court for the Central District of California recently granted class certification in Maldonado Bautista v. Noem, No. 5:25 CV-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025), Maldonado Bautista remains pending with the District Court.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:



Immigration Judge: SAMEIT, MARK 12/05/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved


Appeal Due:01/05/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : RAMIREZ-CARACOSA, JUAN GABRIEL | A-Number : 





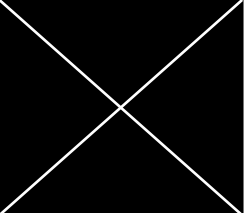
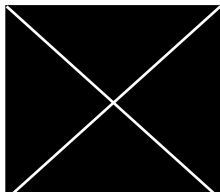
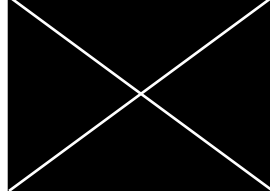
Riders:

Date: 12/05/2025 By: GARCIA III, ROBERTO, Court Staff

EXHIBIT C

I-213

U.S. Department of Homeland Security Subject ID :  Record of Deportable/Inadmissible Alien

Family Name (CAPS) RAMIREZ-CARACOSA, JUAN GABRIEL		First	Middle		Sex	Hair	Eyes	Complexion
Country of Citizenship MEXICO		Passport Number and Country of Issue 			Height	Weight	Occupation Unknown	
U.S. Address 					Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, CAL, WI-Without Inspection				Passenger Boarded at				
Number, Street, City, Province (State) and Country of Permanent Residence					F.B.I. Number 3CMA1HCPC			
Date of Birth 		Age: 48	Date of Action 07/03/2025	Location Code LOS/LOS		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated		
City, Province (State) and Country of Birth MICHOACAN, MEXICO			AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number			Social Security Account Name					
Date Visa Issued			Social Security Number					
Immigration Record NEGATIVE				Criminal Record				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)					Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known			Mother's Present and Maiden Names, Nationality, and Address, if Known					
Monies Due Property in U.S. Not in Immediate Possession None Claimed			Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	System Checks See Narrative		Charge Code Word(s) See Narrative		
Name and Address of (Last) U.S. Employer			Type of Employment Unemployed or Retired	Salary	Employed from/to			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)								
FIN: 			Left Index fingerprint			Right Index fingerprint		
								
Subject Health Status								
The subject claims good health.								
Current Administrative Charges								
07/03/2025 - 212a6A1 - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)								
07/03/2025 - 212a7A1I - IMMIGRANT WITHOUT AN IMMIGRANT VISA								
... (CONTINUED ON I-831)								
Alien has been advised of communication privileges			07.03.2025 (Date/Initials)		POMPA DO (Signature and Title of Immigration Officer)			
Distribution:			Received: (Subject and Documents) (Report of Interview)					
File			Officer: - POMPA					
File			on: July 3, 2025 (Date)					
			Disposition: Warrant of Arrest/Notice to Appear					
			Examining Officer: TSARKOV, V 3355					

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Uploaded on: 08/07/2025 at 02:56:22 PM (Pacific Daylight Time) Base City: OTM

U.S. Department of Homeland Security

Continuation Page for Form I-213




Alien's Name RAMIREZ-CARACOSA, JUAN GABRIEL		File Number [REDACTED]	Date 07/03/2025
		Event No: [REDACTED]	
Previous Criminal History ----- Subject has no criminal history.			
RECORDS CHECKED ----- CIS Neg EARM Neg IAFIS Neg NCIC Neg TECS Neg			
AT/NEAR ----- Los Angeles, California			
Record of Deportable/Excludable Alien: ----- Name: RAMIREZ-Caracosa, Juan Gabriel. [REDACTED]			
COC: Mexico FBI: [REDACTED]			
ENCOUNTER DATA The following information is based on a review of foreign arrest warrants, records check of CIS, TECS, PCQS, PLANET, BIA, 9th Circuit, and EARM database. On July 1, 2025, Border Patrol agents detailed to Los Angeles, CA located and arrested RAMIREZ-Caracosa, Juan Gabriel, [REDACTED] in City of Los Angeles, Los Angeles County, CA. During a consensual encounter subject admitted to being a citizen and national of Mexico, with no authorization to remain in the United States. Subject was booked in at Los Angeles. Border Patrol officers dropped off the subject at LOS B18 detention facility with no further information. Subject was booked in and Case will be assigned for processing at a later time.			
IMMIGRATION history On an unknown date RAMIREZ-Caracosa entered the United States at or near Calexico, CA without being admitted or paroled by an immigration officer.			
CRIMINAL HISTORY: No criminal history. NN-13: Negative Wants/Warrants			
ADDITIONAL INFORMATION: ERO LOS advised RAMIREZ-Caracosa of his rights to communicate with the consular or diplomatic officer from his country of citizenship. RAMIREZ-Caracosa states he is a citizen and national of Mexico. RAMIREZ-Caracosa makes no claim to United States Citizenship or any benefit under the Immigration and Nationality Act (INA). RAMIREZ-Caracosa claims his father is a citizen and national of Mexico.			
Signature [Signature]		Title DO	

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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name RAMIREZ-CARACOSA, JUAN GABRIEL	File Number 	Date 07/03/2025
<p>RAMIREZ-Caracosa claims his mother is a citizen and national of Mexico.</p> <p>RAMIREZ-Caracosa claims to have a pending applications or petitions with United States Citizenship and Immigration Services. Not found in the record search.</p> <p>RAMIREZ-Caracosa claims no prior or current service in the United States Armed Forces.</p> <p>RAMIREZ-Caracosa claims no medical issues.</p> <p>RAMIREZ-Caracosa claims no gang affiliation.</p> <p>RAMIREZ-Caracosa expresses fear of harm, persecution, or torture if returned to his country of citizenship.</p>		
<p>CASE DISPOSITION:</p> <p>ERO Los Angeles served RAMIREZ-Caracosa with a Notice to Appear, Form I-862, pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA). ERO LOS will keep RAMIREZ-Caracosa in custody pending his Immigration hearing.</p>		
<p>Other Identifying Numbers</p>		
<p>ALIEN-</p>		
Signature 	Title DO	

EOIR - 6 of 6

EXHIBIT D

NOTICE TO APPEAR

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 01/14/1977

Event No: [Redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [Redacted] FINS: [Redacted] File No: [Redacted]

In the Matter of:

Respondent: JUAN GABRIEL RAMIREZ-CARACOSA currently residing at:

Otay Mesa Detention Center, 7488 Calzada De La Fuente, San Diego, CA 92154, (619) 671-8700
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Calexico, California, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:

7488 Calzada De La Fuente, San Diego, CA 92154.
(Complete Address of Immigration Court, including Room Number, if any)

on July 21, 2025 at 08:00 AM to show why you should not be removed from the United States based on the

charge(s) set forth above.

V 3355 TSARKOV - SQDO
(Signature and Title of Issuing Officer)

Date: July 3, 2025 Los Angeles, California
(City and State)

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EXHIBIT E

BIRTH CERTIFICATES OF EVELYN RAMIREZ AND GABRIELA RAMIREZ

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2025, I electronically filed the foregoing Petitioners' Petition for Writ of Habeas Corpus, and Complaint for Declaratory and Injunctive Relief with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties shall be served in accordance with the Federal Rules of Civil Procedure.

Dated: December 5, 2025

Respectfully Submitted,
S/ Mardy M. Sproule

Attorney for *Juan Gabriel Ramirez Caracosa*
Email: Mardy.Sproule@att.net