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5 Attorney for Petitioner
6 GUMERCINDO RAMOS RAMOS

7 UNITED STATE DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 GUMERCINDO RAMOS RAMOS,
10

11 Plaintiff,

12 v.

13 CHRISTOPHER J. LAROSE, Senior
14 Warden, Otay Mesa Detention Center;
15 DANIEL A. BRIGHTMAN, San Diego
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations ("ICE/ERO"); TODD M.
19 LYONS, Acting Director of Immigration
20 Customs Enforcement ("ICE"); U.S.
21 Immigration and Customs
22 Enforcement; KRISTI NOEM, Secretary
23 of the Department of Homeland
24 Security ("DHS"); U.S. Department of
25 Homeland Security; and PAMELA
26 BONDI, Attorney General of the United
27 States,

28 Respondents.

CASE NO.: 3:25-cv-03726-JLS-DEB

**PETITIONER'S TRAVERSE IN SUPPORT
OF PETITION FOR WRIT OF HABEAS
CORPUS**



INTRODUCTION

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2 This case concerns the limits of the Government’s detention authority and the judiciary’s
3 duty to enforce those limits. Respondents contend that, because Mr. Ramos Ramos is detained
4 pursuant to 8 U.S.C. § 1226(a), the appropriate remedy is a bond hearing under *Maldonado*
5 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, — F.R.D. —, 2025 WL 3289861 (C.D. Cal.
6 Nov. 20, 2025). That contention ignores the question actually presented. Mr. Ramos Ramos was
7 previously released following an individualized determination that he posed neither a danger to the
8 community nor a flight risk, and the Government has never lawfully rescinded that determination.
9 His present confinement is therefore not a discretionary custody decision subject to ordinary bond
10 procedures. It is an unlawful re-detention, undertaken without statutory authority, regulatory
11 compliance, or due process.

12 Respondent’s attempt at reframing this case as one about bond eligibility, misapprehends
13 both the nature of the detention and the scope of this Court’s review. When the Government
14 restrains liberty without lawful authority, habeas relief does not lie in further administrative
15 reconsideration, but in release.

ARGUMENT

I. Mr. Ramos Ramos Is Detained Under 8 U.S.C. § 1226(a)

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17 Mr. Ramos Ramos’s detention is governed by 8 U.S.C. § 1226(a). Respondents argue that
18 because § 1226(a) applies, the appropriate remedy is to afford Mr. Ramos Ramos a bond hearing.
19 That argument misses the point. Section 1226(a) authorizes discretionary detention in the first
20 instance. It does not validate detention that results from an unlawful revocation of a prior release
21 decision.

22 Mr. Ramos Ramos was previously released on his own recognizance after DHS conducted
23 an individualized assessment of his circumstances. The Government has identified no intervening
24 change in facts or circumstances that would justify his re-arrest.

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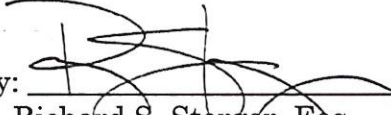
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Habeas corpus exists precisely to remedy this kind of unlawful restraint. Where detention is not lawfully authorized, the Constitution does not require a detained person to pursue further administrative process. It requires the Court to restore liberty. For these reasons, the Court should grant the petition and order Mr. Ramos Ramos's immediate release from custody.

Date: 12/30/2026

STERGER LAW GROUP, P.C.

By: 
Richard S. Sterger, Esq.
Attorney for Petitioner
GUMERCINDO RAMOS RAMOS

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ATTORNEYS AT LAW

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