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5 *Counsel for*
6 **Juan Diego Aguilar-Ramos**

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10 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT

11 Juan Diego Aguilar-Ramos,
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Petitioner,

Case No. '25CV3795 JLS VET

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Patrick Divver, Field Office Director of
Enforcement and Removal Operations, San
Diego Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Christopher J.
LaRose, Warden of Otay Mesa Detention
Center,

Respondents.

1 abide by the declaratory relief and have unlawfully denied the opportunity to be released on
2 bond.

3 5. Petitioner Mr. Aguilar-Ramos is a member of the Bond Eligible Class, as he:

4 a. does not have lawful status in the United States and is currently detained at the
5 Otay Mesa Detention Center. He was apprehended by immigration authorities on
October 23, 2025.

6 b. entered the United States without inspection around 5 years ago and was not
apprehended upon arrival, *cf. id.*; and

7 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

8 6. After apprehending Petitioner on October 23, 2025, the DHS placed him in
9 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
10 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
11 without inspection.

12 7. The Court should expeditiously grant this petition.

13 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
14 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
15 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
16 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
17 Class member.

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

1 10. Because Respondents are detaining Petitioner in violation of the declaratory
2 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
3 Respondent DHS must release Petitioner.

4 11. Alternatively, the Court should order Petitioner's release unless Respondents
5 provide a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days.

6 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
8 Otay Mesa Detention Center in San Diego, California.

9 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
10 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
11 Constitution (the Suspension Clause).

12 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

14 **VENUE**

15 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
16 500 (1973), venue lies in the United States District Court for the Southern District, the judicial
17 district in which Petitioner currently is detained.

18 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
19 Respondents are employees, officers, and agencies of the United States, and because a
20 substantial part of the events or omissions giving rise to the claims occurred in the Southern
21 District.

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1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.

2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

3 22. Respondent Department of Homeland Security (DHS) is the federal agency
4 responsible for implementing and enforcing the INA, including the detention and removal of
5 noncitizens.

6 23. Respondent Pamela Bondi is the Attorney General of the United States. She is
7 responsible for the Department of Justice, of which the Executive Office for Immigration Review
8 and the immigration court system it operates is a component agency. She is sued in her official
9 capacity.

10 24. Respondent Executive Office for Immigration Review (EOIR) is the federal
11 agency responsible for implementing and enforcing the INA in removal proceedings, including
12 for custody redeterminations in bond hearings.

13 25. Respondent Christopher J. LaRose is employed by CoreCivic as Warden of the
14 Otay Mesa Detention Center, where Petitioner is detained. He has immediate physical custody of
15 Petitioner. He is sued in his official capacity.

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**

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

19 26. Petitioner repeats, re-alleges, and incorporates by reference each and every
20 allegation in the preceding paragraphs as if fully set forth herein.

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

23 28. The order granting partial summary judgment in *Maldonado Bautista* holds that
24 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
members.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California

Juan Diego Aguilar-Ramos

Petitioner

v.

Patrick Divver, Field Office Director of Enforcement and
Removal Operations, San Diego Field Office,
Immigration and Customs Enforcement, et al.

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. '25CV3795 JLS VET

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- 1. (a) Your full name: Juan Diego Aguilar-Ramos
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Otay Mesa Detention Center
(b) Address: 7488 Calzada De La Fuente, San Diego, California 92154
(c) Your identification number: [Redacted]
3. Are you currently being held on orders by:
[X] Federal authorities [] State authorities [] Other - explain:
ICE Detainee
4. Are you currently:
[] A pretrial detainee (waiting for trial on criminal charges)
[] Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
[X] Being held on an immigration charge
[] Other (explain):

Decision or Action You Are Challenging


- 5. What are you challenging in this petition:
[] How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Department of Homeland Security / ICE Enforcement and Removal Operations; Executive Office for Immigration Review (Immigration Court).

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued immigration detention without a bond hearing or custody redetermination.

(d) Date of the decision or action: 10/23/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: No bond hearing was requested or conducted, and no custody determination was issued that could be appealed.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: No custody determination was issued.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: No custody determination was issued.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

- Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

- Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/23/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

- Yes
- No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

- Yes
- No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Unlawful continued immigration detention without bond jurisdiction.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Petitioner is detained by ICE at Otay Mesa Detention Center and is in removal proceedings under INA § 240 with no final order of removal. Petitioner has not received a bond hearing and remains detained without a custody redetermination.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

GROUND TWO: Continued detention without any available custody redetermination mechanism.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Petitioner requested release from immigration custody but no bond hearing was conducted and no custody review has been scheduled. Petitioner remains detained without any administrative forum available to review custody.

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

GROUND THREE: Ongoing restraint on liberty without individualized custody review.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Petitioner remains physically confined at Otay Mesa Detention Center and has not received an individualized custody determination as of the date of filing.

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

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GROUND FOUR: Continued detention without administrative custody review.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner continues to be detained without a bond hearing or any available custody review process.

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: No bond hearing was conducted and no custody determination was issued that could be appealed.

Request for Relief

15. State exactly what you want the court to do: Petitioner requests that the Court order his immediate release from immigration detention, or in the alternative, order the Government to provide a prompt bond hearing before an Immigration Judge with authority to determine custody.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

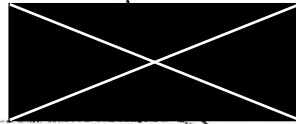
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

.....

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/13/2025

A black rectangular box with a white 'X' drawn across it, used to redact the signature of the petitioner.

.....
Signature of Petitioner

Jose Torres

.....
Signature of Attorney or other authorized person, if any

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 05/28/1994

Event No: 

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

Subject ID: 

FINS: 1388930437

File No: 

In the Matter of:

Respondent: JUAN DIEGO AGUILAR RAMOS currently residing at:

7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA 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 February 15, 2020.
4. You were not then admitted or paroled after inspection by an Immigration Officer, or at that time you arrived at a time or place other than as designated by the Attorney General.

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, CALIFORNIA 92154. OTAY MESA DETENTION CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on November 3, 2025 at 8:30 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

J. 9825 DE CASTRO - SDDO
(Signature and Title of Issuing Officer)

Date: October 23, 2025 SAN DIEGO, CALIFORNIA
(City and State)

EOIR - 1 of 3

of 3
Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.