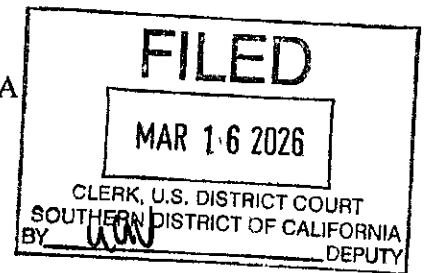


UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA



AXCEL ELI RAMIREZ ESCOBEDO,
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Otay Mesa Detention Center;
_____, Field Office Director, San Diego Field Office,
United States Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement; KRISTI NOEM,
Secretary of Homeland Security; PAMELA JO BONDI,
United States Attorney General

Respondents.

Civil Action No.: '26CV1641 JO JLB

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

1. This petition challenges the arbitrary and indefinite detention of Axcel Eli Ramirez Escobedo, a twenty-six-year-old man with no criminal history who is being held by ICE without any active case pending against him in the immigration court system. Mr. Ramirez Escobedo was ambushed on February 22, 2026, when multiple vehicles blocked his car and masked individuals swept him off the street without explanation.
2. For weeks, Mr. Ramirez Escobedo has been imprisoned without cause. He has committed no crime. He has never been convicted of any offense. He is not a danger to anyone. He came to this country seeking to work and support his parents, who depend on him

financially. Yet, he is being held as if he were a threat to national security.

3. To compound the injustice, after his arrest, ICE first imprisoned him at the Port Isabel Service Processing Center in Texas before transferring him to the Otay Mesa Detention Center in California. This interstate transfer serves no legitimate purpose; it is designed to isolate him, obstruct his access to legal counsel, and inflict psychological distress.
4. Critically, a search of the Executive Office for Immigration Review (EOIR) system reveals that there is no active immigration case pending against Petitioner. He is being detained indefinitely, without a pending proceeding, without a bond hearing, and without any foreseeable end to his confinement. This is not a "civil" detention pending a removal hearing; it is unconstitutional warehousing of a human being.
5. The conditions of his confinement have caused Mr. Ramirez Escobedo to suffer severe emotional distress and symptoms of depression. His imprisonment is fundamentally unlawful and violates the most basic principles of due process guaranteed by the United States Constitution.
6. Through this Petition, Mr. Ramirez Escobedo asks this Court to intervene, declare his prolonged and baseless detention unlawful, and order his immediate release or, at a minimum, command Respondents to provide him with the individualized bond hearing he has been unconstitutionally denied.

CUSTODY

Petitioner is in the physical custody of Respondents at the Otay Mesa Detention Center, located at 7488 Calzada de la Fuente, San Diego, CA 92154.

JURISDICTION


This Court has subject matter jurisdiction over this petition pursuant to 28 U.S.C. Section 1331 (federal question) and 28 U.S.C. Section 2241 (writ of habeas corpus).

VENUE

Venue is proper in this District pursuant to 28 U.S.C. Section 2241(d) because Petitioner is detained within this judicial district.

PARTIES

Party Description

Party Axcel Eli Ramirez Escobedo, 
Petitioner citizen of Guatemala, presently detained at the Otay Mesa Detention Center.

Respondent Warden, Otay Mesa Detention Center, named in official capacity as
1 Petitioner's immediate custodian.



Respondent Field Office Director, ICE San Diego Field Office, named in official
2 capacity as the official with authority over Petitioner's custody.

Respondent Acting Director, United States Immigration and Customs Enforcement,
3 named in official capacity.

Respondent
4 Secretary, Department of Homeland Security, named in official capacity.

Respondent
5 Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner Axel Eli Ramirez Escobedo is a native and citizen of Guatemala. He was born on  in Peten San Andres, Guatemala.
2. In July 2023, Petitioner entered the United States through the southern border to seek better opportunities and to financially support his parents, who reside in Guatemala and depend on his assistance.
3. Since his arrival, Petitioner has lived peacefully and has maintained a completely clean record. He has never been arrested for, charged with, or convicted of any criminal offense.
4. On February 22, 2026, Petitioner was driving his vehicle and dropping someone off at their place of work.
5. Without warning, several vehicles suddenly blocked Petitioner's car, preventing him from moving. Individuals wearing masks exited the vehicles and approached him in a manner that caused alarm and confusion.
6. These individuals, later identified as immigration authorities, took Petitioner into custody. They did not clearly explain the reason for the arrest before detaining him.
7. Following his arrest, Petitioner was initially detained at the Port Isabel Service Processing Center in Los Fresnos, Texas.
8. Subsequently, ICE transferred Petitioner from Texas to California, where he is currently imprisoned at the Otay Mesa Detention Center in San Diego.
9. As of the date of this filing, a search of the Executive Office for Immigration Review (EOIR) automated case information system reveals no pending immigration case for Petitioner under his A-Number .

10. Despite being detained for weeks, Respondents have not initiated removal proceedings against Petitioner, nor have they provided him with an individualized bond hearing before a neutral immigration judge.
11. Petitioner is not a danger to the community. He is a non-violent young man with no criminal history whatsoever.
12. Petitioner is not a flight risk. He has every incentive to appear at any future immigration proceedings to resolve his status.
13. The prolonged and indefinite nature of his detention, especially in the absence of a pending court case, has caused Petitioner to experience significant emotional distress and symptoms of depression.
14. Less restrictive alternatives to detention, such as supervised release or a reasonable bond, would be sufficient to ensure Petitioner's appearance at any future proceedings.

LEGAL FRAMEWORK

A. Indefinite Detention Without Pending Removal Proceedings Violates Due Process.

15. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. This protection applies to all persons within the United States, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
16. The statutory authority to detain non-citizens is predicated on the government actively pursuing removal proceedings. Detention authority under 8 U.S.C. Section 1226(a) is for detention "pending a decision on whether the alien is to be removed from the United States."
17. Where, as here, there are no removal proceedings pending, the government has no

statutory or constitutional basis to continue imprisonment. The detention ceases to be a civil, regulatory measure and becomes unconstitutional punishment.

B. Prolonged Detention Requires a Bond Hearing.

18. Even if proceedings were pending, prolonged immigration detention without an individualized bond hearing violates due process. *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 951 (9th Cir. 2008).
19. Petitioner has been detained for a prolonged period without any hearing, triggering the constitutional requirement for a prompt, individualized bond hearing where the government must justify his continued imprisonment.

CLAIMS FOR RELIEF

COUNT ONE Violation of the Immigration and Nationality Act (8 U.S.C. Section 1226(a))

20. Petitioner realleges and incorporates by reference each allegation set forth above.
21. Petitioner is detained under the purported authority of 8 U.S.C. Section 1226(a), which only authorizes detention "pending" a decision on removal.
22. As there is no case pending before the EOIR, Petitioner's detention is not "pending" a decision and is therefore outside the scope of the statute and unlawful.
23. Alternatively, Petitioner has been detained for a prolonged period without the individualized bond hearing required by the statute and implementing regulations.

COUNT TWO Violation of the Due Process Clause of the Fifth Amendment

24. Petitioner realleges and incorporates by reference each allegation set forth above.
25. Petitioner possesses a fundamental liberty interest in freedom from physical restraint.
26. Respondents have deprived Petitioner of his liberty without due process of law by

imprisoning him indefinitely without initiating removal proceedings and without providing a constitutionally required bond hearing.

27. This arbitrary detention, absent any pending case, serves no legitimate, non-punitive governmental purpose and thus constitutes unlawful punishment in violation of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Axcel Eli Ramirez Escobedo respectfully requests that this Court:

1. Assume jurisdiction over this matter.
2. Issue an Order to Show Cause, directing Respondents to justify Petitioner's detention.
3. Enjoin Respondents from transferring or removing Petitioner from this jurisdiction pending a final ruling on this Petition.
4. Declare that Petitioner's detention is unlawful in the absence of a pending removal proceeding.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody.
6. In the alternative, order that Respondents provide Petitioner with an immediate bond hearing before an immigration judge, to be held no later than fourteen (14) days from the date of this Court's order, at which the government must prove by clear and convincing evidence that Petitioner's continued detention is necessary.
7. Grant such other and further relief as this Court deems just and proper.

VERIFICATION

I, Axcel Eli Ramirez Escobedo, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: March 12, 2026

/s/ Axcel Eli Ramirez Escobedo
Axcel Eli Ramirez Escobedo
Petitioner Pro Se