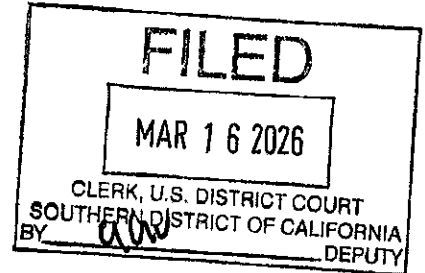


Documnt 2

UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA



AXCEL ELI RAMIREZ ESCOBEDO
Proceeding Pro Se

Petitioner,

_____, 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, in their official capacities,

Respondents.

Case No.: '26CV1641 JO JLB

**PETITIONER'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

NOTICE OF EX PARTE APPLICATION

NOTICE IS HEREBY GIVEN that Petitioner Axcel Eli Ramirez Escobedo applies ex parte for a Temporary Restraining Order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. Good cause exists to waive the advance notice requirements because providing notice to Respondents would defeat the purpose of this relief. ICE routinely transfers and removes detainees without warning to frustrate judicial review. If Respondents receive notice of this application, they will likely transfer Petitioner to a facility outside this District or remove him immediately to Guatemala, thereby rendering this Court unable to grant effective relief and mooting Petitioner's claims. The threat of such action is immediate, ongoing, and constitutes a bad-faith tactic to evade constitutional scrutiny.

1 I. INTRODUCTION

2 Petitioner Axcel Eli Ramirez Escobedo, a 26-year-old man with no criminal history, comes
3 before this Court to stop an ongoing constitutional nightmare that began with a terrifying,
4 unconstitutional seizure. On February 22, 2026, while driving someone to work, Petitioner's
5 car was suddenly ambushed and blocked by several vehicles. Masked men swarmed his car,
6 giving no explanation and showing no warrant, and violently took him into custody. This was
7 not a lawful arrest; it was a state-sanctioned kidnapping that has now stretched into 18 days of
8 unlawful imprisonment.
9

10 Petitioner is not a danger. He is a young man who came to this country seeking opportunity and
11 works to send money back to Guatemala to support his elderly parents, who depend entirely on
12 his labor. He has never been convicted of a crime. Yet, for 18 days, Respondents have treated
13 him as a hardened criminal, caging him first in Texas and then shipping him to California in a
14 deliberate effort to isolate him from any possible support system.
15

16 This detention is a flagrant violation of the Constitution. An individual with no criminal record,
17 ambushed by masked agents without cause, cannot be indefinitely detained without due process.

18 The psychological toll of this ordeal—the terror of the arrest and the despair of prolonged
19 confinement—has inflicted severe depression and emotional distress. Respondents are now
20 poised to complete this injustice by transferring him again or removing him to Guatemala, a
21 move calculated to silence his claims and prevent this Court from acting. This Court's
22 immediate intervention is not just necessary; it is the only remaining check on an executive
23 agency that has acted without restraint, without cause, and without respect for fundamental
24 human liberty.
25

26
27 II. STATEMENT OF FACTS

28 1. Petitioner Axcel Eli Ramirez Escobedo is a 26-year-old native and citizen of Guatemala,

1 born on July 27, 1999. He is currently detained by ICE at the Otay Mesa Detention Center
2 in San Diego, California.

3 2. On February 22, 2026, Petitioner was engaged in the lawful activity of driving and dropping
4 a person off at their place of employment.

5 3. In a terrifying and violent display of force, several vehicles suddenly swerved to block
6 Petitioner's car, preventing any movement. Individuals wearing masks exited these
7 vehicles, surrounded his car, and seized him without clearly identifying themselves or the
8 reason for the arrest. Petitioner was given no warrant, no explanation, and no opportunity
9 to understand the basis for his seizure.
10

11 4. Since that unconstitutional arrest, Petitioner has been continuously imprisoned for
12 EIGHTEEN (18) DAYS. He was initially detained at the Port Isabel Service Processing
13 Center in Texas before being transferred across the country to the Otay Mesa Detention
14 Center in California, compounding his isolation and the punitive nature of his confinement.
15

16 5. Petitioner has ABSOLUTELY NO CRIMINAL HISTORY. He has never been arrested for
17 or convicted of any crime in the United States or any other country. His detention is purely
18 civil, yet the conditions are indistinguishable from criminal punishment.

19 6. Petitioner is the sole financial support for his elderly parents who reside in Guatemala. They
20 are dependent on the remittances he sends from his work in the United States. His detention
21 has cut off their lifeline, causing extreme hardship and anxiety for his family abroad.
22

23 7. The traumatic nature of his arrest and the hopelessness of his prolonged, unjustified
24 detention have caused Petitioner to suffer severe emotional distress and symptoms of
25 depression.

26 8. To date, there is no active case for Petitioner in the Executive Office for Immigration
27 Review (EOIR) system. He is being held in a legal black hole, without charges and without
28 a pending case, solely at the discretion of the executive branch.

- 1 9. Respondents have denied Petitioner an individualized bond hearing before an Immigration
2 Judge, where the government would be required to justify his continued caging.
- 3 10. The threat of transfer or removal is imminent. ICE frequently uses such tactics to moot
4 habeas petitions and evade judicial oversight, particularly when a detainee has a strong case
5 for release. Absent an immediate order from this Court, Petitioner will be rendered helpless,
6 and his constitutional rights will be permanently extinguished.
7

8
9 III. LEGAL FRAMEWORK

- 10 1. Statutory Basis for Detention. Petitioner is detained under 8 U.S.C. § 1226(a), which
11 authorizes discretionary detention pending removal proceedings. As an individual with no
12 criminal convictions, he is not subject to mandatory detention under § 1226(c). The statute
13 requires individualized determinations of flight risk and danger, and does not authorize
14 indefinite detention without a bond hearing.
15
- 16 2. Due Process Clause. The Fifth Amendment prohibits the government from depriving any
17 “person” within the United States of liberty without due process of law. *Zadvydas v. Davis*,
18 533 U.S. 678, 693 (2001). This protection is not limited to citizens and applies squarely to
19 civil immigration detention.
20
- 21 3. Bond Hearing Requirement. An immigration judge “shall promptly conduct a custody
22 redetermination hearing” for a detained individual. 8 C.F.R. § 1003.19. The Board of
23 Immigration Appeals has long held that a bond hearing is required where the alien poses no
24 danger or flight risk. *See Matter of Urena*, 25 I&N Dec. 140 (BIA 2009); *Matter of Guerra*,
25 24 I&N Dec. 37 (BIA 2006).
26
- 27 4. Burden of Proof. In any bond hearing, the government bears the burden of proving by clear
28 and convincing evidence that the individual is a danger to the community or a risk of
flight. *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). Given Petitioner’s complete

1 lack of criminal history, the government cannot meet this burden.

2
3 IV. ARGUMENT

4 A. Likelihood of Success on the Merits

5 Petitioner is certain to prevail on his underlying Habeas Petition. He is detained under the
6 discretionary authority of 8 U.S.C. § 1226(a) and is therefore statutorily and constitutionally
7 entitled to an individualized bond hearing. He has no criminal record, which means the
8 government cannot possibly prove he is a danger to the community by the required “clear and
9 convincing” standard. The circumstances of his arrest—an ambush by masked men without a
10 warrant or stated cause—also raise profound Fourth Amendment violations that undermine the
11 legality of his entire detention. His continued imprisonment without a bond hearing is a clear
12 violation of the INA and the Due Process Clause.

13
14 B. Irreparable Harm

15 Each additional day of unlawful detention constitutes irreparable harm. *Melendres v. Arpaio*,
16 695 F.3d 990, 1002 (9th Cir. 2012) (“[T]he deprivation of constitutional rights ‘unquestionably
17 constitutes irreparable injury.’”). This harm is magnified here. Petitioner is suffering from
18 depression, and his mental health is deteriorating in confinement. Furthermore, his elderly
19 parents in Guatemala are deprived of their sole source of financial support, causing them
20 immediate and ongoing hardship that cannot be undone. Finally, the ultimate irreparable harm
21 is the imminent threat of transfer or removal, which would moot his petition, extinguish his
22 right to judicial review, and permanently sever his ability to support his family.

23
24 C. Balance of Equities and Public Interest

25 The balance of equities tips decisively in Petitioner’s favor. His interest in freedom from
26 unconstitutional confinement is paramount. The government, by contrast, has no legitimate
27 interest in detaining a non-criminal, non-dangerous individual who can be monitored by less
28

1 restrictive means. The public interest is not served by terrorizing and caging a young worker
2 who supports his family; rather, it is served by upholding the Constitution, preventing arbitrary
3 executive detention, and ensuring that the government is held accountable for its actions.
4 Detaining Petitioner is a waste of taxpayer resources and a violation of this nation's core
5 principles.

6
7
8 V. RELIEF REQUESTED

9 WHEREFORE, Petitioner respectfully requests that this Court issue an Ex Parte Temporary
10 Restraining Order compelling Respondents to:

- 11 1. Immediately release Petitioner from custody on his own recognizance; or, in the alternative,
- 12 2. Provide Petitioner with a constitutionally adequate bond hearing before an Immigration
13 Judge within 72 hours of this Court's order; and
- 14 3. Order Respondents to show cause why a preliminary injunction should not issue.

15
16
17 VERIFICATION

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

21
22 Date: March 12, 2026

23
24 /S/ Axcel Eli Ramirez Escobedo
25 Axcel Eli Ramirez Escobedo
26 Petitioner Pro Se
27
28