



PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
333 West Broadway, Suite 420
San Diego, California 92101

JULIETH DURAN ROMERO,


Petitioner,

v.

'26CV2151 DMS BLM

DIRECTOR, OTAY MESA DETENTION CENTER
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY,
DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), et al.,
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner, Julieth Duran Romero, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging her prolonged and unconstitutional detention by immigration authorities.

Petitioner has been continuously detained since approximately November 2025, when she presented herself to U.S. immigration authorities seeking entry into the United States. Her immigration case is currently pending on appeal before the Board of Immigration Appeals (BIA).

Her continued detention, which has now extended for several months without a constitutionally adequate bond hearing, violates the Due Process Clause of the Fifth Amendment.

Additionally, Petitioner is a survivor of sexual violence, suffers from documented psychological trauma, and requires specialized medical, psychiatric, and neurological care that cannot be adequately provided in detention.

II. JURISDICTION

This Court has jurisdiction pursuant to:

28 U.S.C. § 2241

28 U.S.C. § 1331

U.S. Constitution, Article I, Section 9 (Suspension Clause)

Venue is proper in this District because Petitioner is detained at:

Otay Mesa Detention Center

7488 Calzada de la Fuente

San Diego, CA 92154

III. PARTIES

Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE). Respondents include the Director of the Otay Mesa Detention Center and other officials of the Department of Homeland Security responsible for her custody.

IV. FACTUAL BACKGROUND

Petitioner is a citizen of Colombia who previously resided in the United States as a law-abiding individual.

She has no criminal record

She lived openly in the community

She complied with all legal obligations

She had work authorization

She is a person of good moral character, supported by letters of recommendation

At the beginning of 2025, Petitioner voluntarily departed the United States due to a serious family emergency related to her father's health.

After returning to Colombia, she was again subjected to:

Threats

Persecution

Severe violence

During her journey back to the United States in 2025, Petitioner was the victim of a sexual assault (rape) by two men.

Upon reentry, she was immediately transported for medical evaluation, where the assault was documented.

ADDITIONAL PROCEDURAL HISTORY

Petitioner previously sought release from detention.

On or about December 17, 2025, an Immigration Judge denied a bond hearing for lack of jurisdiction.

Subsequently, a prior habeas corpus petition was filed and denied at an early stage of detention.

However, circumstances have materially changed since that time.

Petitioner is now subject to significantly prolonged detention, her case is pending before the Board of Immigration Appeals with no foreseeable resolution, and substantial new evidence has emerged regarding her psychological deterioration and medical condition.

Accordingly, this petition presents new facts and legal grounds not previously considered.

V. MEDICAL AND PSYCHOLOGICAL CONDITION

Petitioner suffers from serious and documented medical and psychological conditions, including:

Severe anxiety (9/10)

Symptoms of post-traumatic stress disorder (PTSD)

Flashbacks and hypervigilance

Sleep disturbances

Nighttime incontinence related to trauma

Emotional dysregulation

Medical records from the detention center confirm:

Ongoing trauma from sexual assault

Need for mental health treatment

Recommendation for ongoing therapy

Additionally, Petitioner presents:

Progressive psychological deterioration

Need for psychiatric evaluation

Possible neurological evaluation

Such treatment cannot be adequately provided in detention, and her condition continues to worsen.

VI. DETENTION HISTORY

Petitioner has been detained since October 2025.

Her immigration case is currently pending on appeal before the BIA, with no defined timeline for resolution.

As a result, her detention has become:

Prolonged

Indefinite

Constitutionally unreasonable

VII. LEGAL ARGUMENTS

A. PROLONGED DETENTION VIOLATES THE FIFTH AMENDMENT

Under the Due Process Clause, civil immigration detention must be reasonable in duration.

Prolonged detention without meaningful review is unconstitutional.

B. FAILURE TO PROVIDE A CONSTITUTIONALLY ADEQUATE BOND HEARING

Petitioner has not received a bond hearing that meets constitutional requirements:

Neutral decision-maker

Individualized assessment

Government bears the burden of proof

C. PETITIONER IS NOT A DANGER OR A FLIGHT RISK

Petitioner:

Has no criminal history

Lived lawfully in the community

Voluntarily departed the country

Has strong community support

She has a sponsor, Esperanza Cortes, who will ensure her compliance with all court proceedings.

D. DETENTION DURING APPEAL IS UNREASONABLE

Petitioner remains detained while her case is pending on appeal, creating:
Risk of indefinite detention
Prolonged deprivation of liberty

E. NINTH CIRCUIT CASE LAW

Relevant cases include:

Zadvydas v. Davis

Diouf v. Napolitano

Casas-Castrillon v. DHS

Rodriguez v. Robbins

Singh v. Holder

VIII. CONSTITUTIONAL VIOLATIONS

A. Fifth Amendment – Due Process

Petitioner has been deprived of liberty without:

A proper hearing

Individualized determination

Adequate procedural safeguards

B. Substantive and Procedural Due Process

The government has failed to provide minimum standards of fundamental fairness.

C. PROHIBITION OF INDEFINITE DETENTION

Civil immigration detention cannot become punitive or indefinite.

D. SUSPENSION CLAUSE

Petitioner's right to meaningful judicial review has been violated.

E. FOURTH AMENDMENT (LIMITED)

There are concerns regarding unreasonable detention.

IX. IRREPARABLE HARM

Petitioner is suffering:

Psychological deterioration

Trauma from sexual assault

Lack of adequate medical care

Risk of irreversible harm

X. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

Declare her detention unlawful;

Order that she not be transferred;

Order her immediate release; OR

Order a constitutionally adequate bond hearing;
Grant any other relief the Court deems just and proper.

XI. DESIGNATION OF ADDRESS FOR SERVICE

Petitioner respectfully requests that all notices, orders, and communications related to this case be sent to the following address, due to limited access to mail while detained:

Mailing Address:



XII. VERIFICATION

I, Julieth Duran Romero, declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Julieth Duran

JULIETH DURAN ROMERO

Pro Se



Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

XIII. CERTIFICATE / PROOF OF SERVICE

I certify that on 04-02-2026, I served a true and correct copy of this Petition upon:

U.S. Attorney – Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

Secretary of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

Director, U.S. Immigration and Customs Enforcement
500 12th Street SW

Washington, DC 20536

ICE – OPLA San Diego
880 Front Street, Suite 2246
San Diego, CA 92101

Director, Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

Julieth Duran

JULIETH DURAN ROMERO
Pro Se



Dated: 04-02-2026

Location: Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154