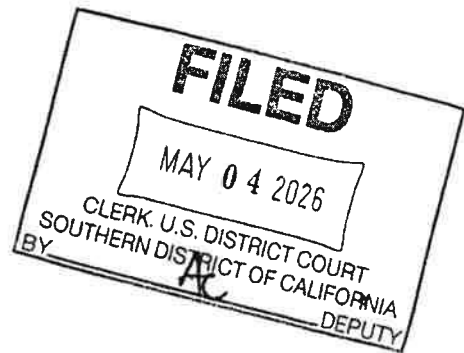


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
333 West Broadway, Suite 420
San Diego, California 92101



JULIETH DURAN ROMERO,
Petitioner,

v.

DIRECTOR, OTAY MESA DETENTION CENTER, et al.,
Respondents.

Case No.: 26-cv-02151-AGS-BLM

RESPONSE TO ORDER TO SHOW CAUSE

Petitioner, Julieth Duran Romero, respectfully submits this Response to the Court's Order to Show Cause and states as follows:

I. INTRODUCTION

Petitioner respectfully submits that this habeas corpus petition is not duplicative of any prior petition.

Rather, this petition is based on material changes in both the factual and legal circumstances, including:

Significantly prolonged detention;

Severe deterioration of Petitioner's physical and psychological health;

Newly documented trauma resulting from sexual violence; and

A fundamental change in procedural posture, as Petitioner's case is now pending on appeal before the Board of Immigration Appeals ("BIA").

These changes establish new constitutional violations that did not exist at the time of the prior habeas petition.

II. PRIOR HABEAS PETITION AND ITS LIMITATIONS

Petitioner previously filed a habeas corpus petition shortly after her arrival in the United States, when she had been detained for approximately one month.

At that time:

Her detention was brief and not yet prolonged;

Her immigration case was pending before the Immigration Judge;

The full extent of her medical and psychological deterioration had not yet manifested;

The record did not fully reflect her status as a survivor of sexual violence during her migration journey.

Accordingly, the prior petition was adjudicated under materially different circumstances.

III. MATERIAL CHANGES IN CIRCUMSTANCES

A. PROLONGED DETENTION (CURRENTLY APPROX. 6 MONTHS)

Petitioner has been detained since approximately November 2025, exceeding six months of continuous detention.

The Supreme Court has recognized that immigration detention becomes constitutionally problematic when it is excessively prolonged. In *Zadvydas v. Davis*, the Court held that detention beyond six months is presumptively unreasonable.

Similarly, the Ninth Circuit has established that prolonged detention requires additional procedural safeguards, including bond hearings.

B. DETERIORATION OF HEALTH AND TRAUMA

Petitioner's condition has significantly deteriorated during her detention, including:

Severe anxiety;

Symptoms of post-traumatic stress disorder (PTSD);

Sleep disturbances and incontinence;

Emotional dysregulation;

Need for psychiatric and possible neurological evaluation.

Medical records confirm that Petitioner is a survivor of sexual assault that occurred during her journey to the United States.

This constitutes new and material evidence that was not previously considered.

C. CHANGE IN PROCEDURAL POSTURE – CASE NOW BEFORE THE BIA

At the time of the prior petition:

Petitioner's case was pending before an Immigration Judge.

Currently:

A removal order has been issued;

An appeal has been filed;

The case is now pending before the Board of Immigration Appeals (BIA);

There is no defined timeline for a decision.

This creates a real risk of indefinite detention, a central concern in habeas jurisprudence.

IV. LEGAL FRAMEWORK – PROLONGED DETENTION IN THE NINTH CIRCUIT

The Ninth Circuit has consistently held that prolonged immigration detention without adequate safeguards violates due process:

In *Diouf v. Napolitano*, the court held that detention exceeding six months requires a bond hearing.

In *Singh v. Holder*, the court held that the government bears the burden of proof in such hearings.

In *Aleman Gonzalez v. Barr*, the court reaffirmed the right to individualized bond hearings in prolonged detention cases.

These precedents confirm that prolonged detention raises serious constitutional concerns.

V. CONSTITUTIONAL VIOLATIONS

Petitioner's continued detention violates:

A. Fifth Amendment – Due Process

Lack of a constitutionally adequate bond hearing;
Lack of individualized determination;
Absence of sufficient procedural safeguards.

B. Substantive Due Process

Freedom from physical detention is a fundamental right;
Detention has become punitive in nature.

C. PROHIBITION OF INDEFINITE DETENTION

Civil immigration detention cannot become indefinite.

VI. THIS PETITION IS NOT DUPLICATIVE

This petition is clearly distinct from the prior petition due to material and significant changes in the circumstances of the case.

First, the length of detention has changed substantially. While Petitioner had been detained for approximately one month at the time of the prior petition, she has now been detained for nearly six months, constituting prolonged detention under constitutional standards.

Second, Petitioner's health condition has deteriorated significantly. At the time of the prior petition, her medical and psychological condition had not yet fully developed or been documented. Currently, there is clear evidence of substantial deterioration in her mental and emotional health, including symptoms consistent with severe trauma.

Additionally, the evidence regarding the sexual assault suffered by Petitioner during her journey to the United States was not fully presented or documented in the prior petition. In the present case, this assault has been properly documented and is a central component of her current condition.

Furthermore, the procedural posture of the case has fundamentally changed. In the prior petition, Petitioner's case was pending before the Immigration Judge. In contrast, there is now a removal order in place, and the case is pending on appeal before the Board of Immigration Appeals (BIA), with no defined timeline for resolution.

Finally, as a result of these changes, the risk of indefinite detention has significantly increased. While that risk was minimal at the earlier stage, Petitioner now faces a real possibility of prolonged or indefinite detention while her appeal is pending.

Taken together, these changes demonstrate that the present petition is based on new facts and materially different circumstances, and therefore cannot be considered duplicative of the prior petition.

Courts recognize that petitions based on new facts are not duplicative.

VII. SUPPORTING EVIDENCE

Petitioner submits:

Medical and mental health records;
Evidence of sexual assault;
Documentation confirming that the case is pending before the BIA;
Letters of support establishing her good moral character.

VIII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:
Determine that this habeas petition is not duplicative;
Allow the case to proceed on the merits;
Grant any further relief the Court deems just and appropriate.

Respectfully submitted,

Julieth Duran

JULIETH DURAN ROMERO

Pro Se

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