

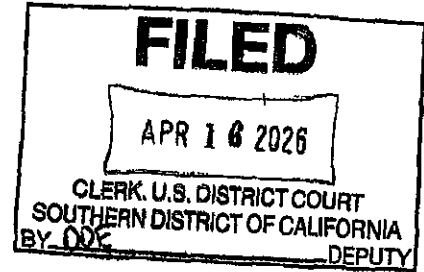
UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA

KEVIN DARÍO LÓPEZ RAMÍREZ
Proceeding Pro Se,
Petitioner,

v.

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

Respondents.



Civil Action No.: '26CV2419 AGS DDL

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

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

INTRODUCTION

Petitioner KEVIN DARÍO LÓPEZ RAMÍREZ respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and unconstitutional civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

Petitioner's detention, which commenced on February 22, 2026, is predicated on removal proceedings that are void from their inception. The Notice to Appear (NTA)—the very document that purports to grant jurisdiction to the Immigration Court—is fatally defective under binding Supreme Court precedent, including *Pereira v. Sessions* and *Niz-Chavez v. Garland*, because

it fails to state the date and time of his hearing.

Petitioner, a resident of the United States since May 2019, was arrested during a pretextual traffic stop while working as a delivery driver. He has no significant criminal history, with his only prior offense being a resolved misdemeanor for driving without a license. Since his apprehension in Texas, he has been transferred across the country, first to the California City Correctional Center and now to the Otay Mesa Detention Center, severely obstructing his ability to challenge his defective removal proceedings and access his community support system.

The Government's authority to detain Petitioner is contingent upon valid removal proceedings. Because the NTA is jurisdictionally defective, the entire legal basis for his detention collapses. His continued confinement without a valid charging document and without an individualized custody determination violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

Freedom from unlawful physical restraint is the bedrock of liberty. Detaining an individual based on a void legal process is the definition of arbitrary government action. Because Petitioner's detention is statutorily and constitutionally infirm, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ and order his immediate release, or, in the alternative, order an immediate individualized bond hearing where the Government bears the burden of justifying his continued detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Otay Mesa Detention Center, 7488 Calzada De La Fuente, San Diego, CA 92154. He is under the direct control of:

- Warden, Otay Mesa Detention Center;

- Field Office Director, ICE San Diego Field Office;
- Acting Director, United States Immigration and Customs Enforcement;
- Secretary, Department of Homeland Security;
- Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).

1. Personal jurisdiction attaches to the named respondents in their official capacities.
2. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.


VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

- Petitioner is detained in San Diego, California;
- The Facility and the Respondents' custodial officers are located in this District.

PARTIES

Party Description

I, Kevin Darío López Ramírez, A-Number  citizen of
Petitioner Guatemala, presently detained at the Otay Mesa Detention Center.

Respondent Warden, Otay Mesa Detention Center, named in official capacity.

Party Description

1

Respondent Field Office Director, ICE San Diego Field Office, named in official
2 capacity.

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 KEVIN DARÍO LÓPEZ RAMÍREZ is a native and citizen of Guatemala, born on 
2. He entered the United States in or about May 2019 and was processed by U.S. Customs and Border Protection (CBP) authorities. He has resided in the United States continuously for nearly seven years.
3. Petitioner has been a productive member of society, working full-time as a delivery driver.
4. On or about February 22, 2026, Petitioner was arrested by law enforcement in Columbia County while he was at a gas station in the morning during his work shift.

5. The arrest originated from a traffic stop. The arresting officer initially indicated that no citation would be issued but proceeded to detain Petitioner after checking his information, at which point ICE became involved.
6. Petitioner was immediately taken into ICE custody.
7. Petitioner has no history of serious criminal activity. His only prior offense is a single misdemeanor conviction for driving without a license, which is a closed matter. He is not a danger to the community.
8. Petitioner possesses strong community ties, as evidenced by notarized letters of support from his family, church, and community members.
9. Following his arrest in Texas, Petitioner was initially detained at a facility in or near Meridian, Texas.
10. Shortly thereafter, he was transferred across the country without advance notice, first to the California City Correctional Center.
11. He has since been transferred again to his current location at the Otay Mesa Detention Center in San Diego, California.
12. These interstate transfers have severed Petitioner from his community support system in Texas, making it exceedingly difficult to gather evidence and prepare his defense.
13. The Government initiated removal proceedings against Petitioner by issuing a Notice to Appear (NTA).
14. This NTA is fatally and jurisdictionally defective. It fails to state the specific date and time for Petitioner's initial appearance before an Immigration Judge.
15. A Motion to Dismiss the removal proceedings has been filed with the Immigration Court on the grounds that the defective NTA failed to vest the court with jurisdiction over his

case.

16. Despite the fundamental jurisdictional defect in the underlying removal proceedings, Respondents continue to detain Petitioner.
17. The Government has not afforded Petitioner a meaningful, individualized bond hearing to assess whether his detention is necessary, particularly in light of his lack of criminal history, his strong community ties, and the defective nature of the NTA.

LEGAL FRAMEWORK

1. **Jurisdictional Defect of the Notice to Appear.** Under 8 U.S.C. § 1229(a), a "notice to appear" is the statutory instrument that commences removal proceedings. The statute explicitly requires that this notice specify, among other things, "[t]he time and place at which the proceedings will be held." The Supreme Court has unequivocally held that an NTA that fails to designate a specific time and place for the removal proceedings is deficient. *Pereira v. Sessions*, 138 S. Ct. 2105 (2018).
2. **A Defective NTA Does Not Vest Jurisdiction.** Subsequently, in *Niz-Chavez v. Garland*, 141 S. Ct. 1474 (2021), the Supreme Court clarified that the government must provide a single, complete document containing all the statutorily required information to serve as a valid NTA. An initial notice that omits the time and date is defective, and this defect cannot be cured by a subsequent hearing notice. As many courts have recognized, a defective NTA fails to vest the Immigration Court with jurisdiction over the removal case. Petitioner's detention is predicated on these non-existent proceedings.
3. **Statutory Basis for Detention.** Because Petitioner has not been convicted of any crime that would subject him to mandatory detention under 8 U.S.C. § 1226(c), his custody is

governed by the discretionary standard of § 1226(a). This section requires an individualized custody determination. Respondents' failure to provide such a hearing, particularly when the underlying case lacks jurisdiction, is a violation of the statute.

4. Due Process Clause. The Fifth Amendment prohibits the government from depriving any "person" of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detaining an individual based on a jurisdictionally void legal process is a fundamental violation of due process.
5. *Mathews v. Eldridge* Balancing. Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention is unconstitutional. First, Petitioner has a fundamental private interest in his own liberty. Second, the risk of erroneous deprivation is absolute, as his entire detention is premised on a case that lacks a jurisdictional foundation. Third, the governmental interest in detaining someone without valid proceedings is zero, while the harm to Petitioner is immense.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is being detained pending removal proceedings that were never properly initiated due to the Government's failure to issue a statutorily compliant Notice to Appear under 8 U.S.C. § 1229(a).
3. As the Immigration Court lacks jurisdiction over Petitioner's case, there is no valid legal basis under the INA to continue his detention.
4. Furthermore, even if proceedings were valid, Petitioner's detention is governed by 8

U.S.C. § 1226(a), which requires a prompt, individualized bond hearing that he has been denied.

5. Accordingly, Petitioner's detention is unlawful under the INA, and he is entitled to immediate release.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be predicated on a legitimate legal and factual basis and be accompanied by fair procedures. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner based on a jurisdictionally defective charging document constitutes arbitrary detention in violation of his fundamental right to due process.
4. Petitioner has therefore suffered an unconstitutional deprivation of his liberty and is entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.

4. Declare that Petitioner's continued detention, based on a jurisdictionally defective Notice to Appear, violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Otay Mesa Detention Center.
6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary.
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, and 28 U.S.C. § 2412.
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Kevin Darío López Ramírez, 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: April 11, 2026

/s/ Kevin Darío López Ramírez
Kevin darío lopez ramirez
Petitioner, Pro Se

DECLARATION OF KEVIN DARIO LOPEZ RAMIREZ
A# [REDACTED]

I, Kevin Dario Lopez Ramirez, declare under penalty of perjury under the laws of the United States as follows:

1. My name is Kevin Dario Lopez Ramirez. I am a native and citizen of Guatemala. My Alien Number is A# [REDACTED].
2. I was born on [REDACTED], in Guatemala.
3. I entered the United States in or around May 2019.
4. Since my entry, I have been living and working in the United States.
5. Before my detention, I was working as a delivery driver, delivering products similar to Amazon deliveries.
6. On or about February 22, 2026, I was arrested while I was working.
7. On that day, I stopped at a gas station during the morning. While I was there, multiple police vehicles arrived, approximately three patrol cars.
8. During this encounter, I was detained and later transferred to immigration custody.
9. I was initially held in Texas and later transferred to California, where I am currently detained.
10. I have not committed any serious crimes. The only issue I have had was a prior case for driving without a license in 2024 or 2025, which was already closed.

11. I am not a danger to the community. I have been working and trying to build a stable life.
12. I do not have any pending criminal cases.
13. I do not have any serious medical conditions.
14. My detention has affected me emotionally, especially at the beginning of my arrest, although I am currently stable.
15. I respectfully state that I should not be detained under these circumstances.
16. I am willing to comply with any conditions imposed by the Court, including attending all hearings and following all requirements.
17. I respectfully request that this Court grant my release so that I may continue working and comply with my immigration process.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 11, 2026.

/s/ Kevin Dario Lopez Ramirez
Kevin Dario Lopez Ramirez
Pro Se



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BALTIMORE IMMIGRATION COURT

Respondent Name:
RAMIREZ-PEREZ, JOHNNY ZAQUERO

To:
RAMIREZ-PEREZ, JOHNNY ZAQUERO



A-Number:



Riders



In Removal Proceedings
Initiated by the Department of Homeland Security

Date:
09/10/2024

ORDER ON MOTION TO DISMISS

The Respondent the Department of Homeland Security the parties jointly has/have filed a motion to dismiss these proceedings under 8 CFR 1239.2(c) The moving party has given notice of the motion to the non-moving party and the court has provided the non-moving party with an opportunity to respond. The motion is opposed unopposed.

After considering the facts and circumstances, the immigration court orders that the motion to dismiss is:

- Granted without prejudice
- Denied

Further explanation:

NTA is missing date and time.

IT IS SO ORDERED.

Immigration Judge Claudia R. Cubas 09/10/2024

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service ; [E] Electronic Service | [U] Address Unavailable

To: [P] Noncitizen | [] Noncitizen c.o custodial officer | [] Noncitizen's atty' rep. | [P] DHS

Respondent Name RAMIREZ-PEREZ, JOHNNY ZAQUERO | A-Number :

Riders:

203663716 RAMIREZ-LOPEZ, KEVIN DARIO
Date: 09/10/2024 By: McVanev, Cassie, Court Staff

Jesse Nahum Espinoza Del Oro
32 Greenmeadow Dr Lutherville Timonium, MD 21093
667-294-0236

Honorable Immigration, To Whom It May Concern:

I am writing this letter in support of granting bond to Kevin Dario Ramirez Lopez - A Number- [REDACTED] who is currently in immigration custody.

I am a close friend of Kevin Dario Ramirez Lopez and I have known him for 2 years. During this time, I have come to know him as a responsible, hardworking, and respectful person with strong moral character. He has always demonstrated integrity and commitment to his family and community.

I firmly believe that he does not pose a danger to the community and is not a flight risk. He has stable support, a place to live, and friends and family members who are willing to assist him while he continues his immigration process. I am confident that he will attend all required court hearings and fully comply with any conditions set by the Court.

His detention has had a significant emotional and financial impact on his loved ones. Allowing him to continue his case while out on bond would give him the opportunity to better prepare for his proceedings and maintain stability in his support network.

For these reasons, I respectfully request that you consider granting him a reasonable bond.

County of	DeKalb
The foregoing instrument was acknowledged before me	2 April 2024
Notary Public	[Signature]
My Commission Expires	04/04/2024

Baltimore, February 2026

Executive Office for Immigration Review
Office of the Immigration Judge

Re: Kevin Dario Ramirez Lopez

My name is the Rev. Giuliano Gargiulo. I am a law ful permanent resident of the United States and an ordained priest currently serving in the Episcopal Diocese of Maryland. Since 2016, I have ministered to the Latino community in Baltimore - first for eight years in the Roman Catholic Church and currently in Timonium at St. Francis Episcopal Parish & Community Center, where I serve as Assistant Rector.

I am writing this letter in support of Mr. Kevin Dario Ramirez Lopez, whom I came to know through parishioners of our church. In 2025, we began a Latino Ministry at St. Francis, and Kevin's family was among the first participants in this emerging community of faith. Kevin, according to his family, is a generous and hardworking young man who helps support his sister in Guatemala, who suffers from rheumatoid arthritis. He came to the United States seeking opportunities and resources to assist his family during the difficult task of caring for his ill sister.

Based on my personal knowledge and pastoral experience with Kevin and his family, Mr. Ramirez is not a dangerous person. He is respectful, peaceful, and deeply committed to the well-being of others. His family is actively involved in the church, hardworking, and always ready to help as volunteers in community events.

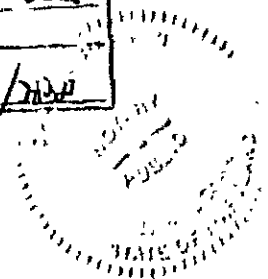
For these reasons, I respectfully ask that you take into consideration Mr. Ramirez's character, his history of service, and the serious hardship that continued detention or deportation would cause to his sister and family.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my personal knowledge.

Respectfully submitted,

Rev. Giuliano Gargiulo

Notary Public
Maryland
County of Baltimore
The foregoing instrument was acknowledged before me on 2 March 2026
Notary Public
My Comm. Expires 02/28/2027



Hector Daniel Franco Montes 11830 Vallewood drive, Silver Spring MD 20902



hancumarbleshop@verizon.net

March 3, 2026

Honorable Immigration Judge / To Whom It May Concern:

I am writing this letter in support of granting bond to Kevin Dario Ramirez Lopez A [redacted] who is currently in immigration custody.

I am a close friend of Kevento Dario Ramirez Lopez, and I have known him for 10 years. During this time, I have come to know him as a responsible, hardworking, and respectful person with strong moral character. He has always demonstrated integrity and commitment to his family and community.

I firmly believe that he does not pose a danger to the community and is not a flight risk. He has stable support, a place to live, and friends and family members who are willing to assist him while he continues his immigration process. I am confident that he will attend all required court hearings and fully comply with any conditions set by the Court.

His detention has had a significant emotional and financial impact on his loved ones. Allowing him to continue his case while out on bond would give him the opportunity to better prepare for his proceedings and maintain stability in his support network.

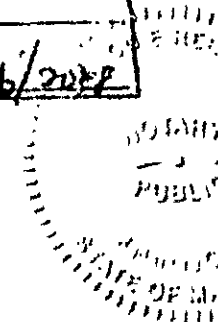
For these reasons, I respectfully request that you consider granting him a reasonable bond.

Thank you for your time and consideration.

Sincerely,

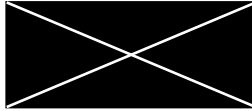
Hector Daniel Franco Montes
Friend of Kevin Dario Ramirez Lopez.

State of	Maryland
County of	Baltimore
The foregoing instrument was acknowledged before me 2 day March 2026	
Notary Public	
My Commission Expires	04/06/2028



BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 23, 2026
3/3/26

Alexa Solived Hernandez Gonzalez



27th February, 2026

Dear Honorable Immigration,

I am writing in support of Kevin Dario Ramirez Lopez. I've known Kevin for over a year now and have found him to be a patient, hard-working and caring individual. Kevin consistently shows dedication in their work and takes pride in supporting their family. Granting them a bond would preserve the stability and positive influence they provide to their loved ones and community. If required to leave, their family will face profound emotional and financial hardships. Kevin is a source of stability, income, and daily support. His absences would create significant distress for their loved ones and disrupt essential aspects of their family's well-being.

I am proud to call Kevin Dario Ramirez Lopez my friend and truly grateful for the support he has given me. During difficult times in my life, without hesitation he'd offered guidance and encouragement. His generosity and kindness reflects on the type of person he is- caring about others and willing to lend a helping hand.

Sincerely,

Alexa Hernandez Gonzalez

[Handwritten Signature]
Alexa Hernandez Gonzalez
03/03/26

DINA PERA GARCIA
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 23, 2026

[Handwritten Signature]
3/3/26