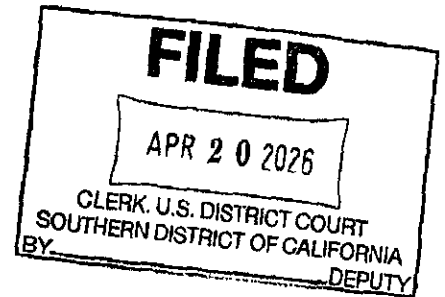


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
333 West Broadway, Suite 420
San Diego, California 92101

'26CV2525 JLS VET



GÉNESIS ESCALONA RAMÍREZ
A#: [REDACTED]
Petitioner,

v.

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

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

Petitioner, Génesis Escalona Ramirez, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of her continued detention by U.S. Immigration and Customs Enforcement ("ICE").

Petitioner has been detained since September 18, 2025. On April 1, 2026, an Immigration Judge granted her asylum, withholding of removal, and protection under the Convention Against Torture, recognizing that she meets the legal requirements for protection in the United States.

Despite this favorable decision, ICE continues to detain Petitioner based solely on the possibility of an appeal by the Department of Homeland Security ("DHS"), refusing to conduct any individualized review of her custody.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241, and venue is proper in this District because Petitioner is detained at the Otay Mesa Detention Center.

III. FACTUAL BACKGROUND

Petitioner was detained on September 18, 2025, while attempting to enter the United States and was processed at a port of entry. She has remained in custody since that date.

This was her first entry into the country. Petitioner has no criminal history and does not pose a danger to the community.

During her detention, she appeared in approximately seven to eight hearings before the Immigration Court. Her credible fear interview was positive, and she subsequently filed her application for asylum.

On April 1, 2026, an Immigration Judge granted her asylum, withholding of removal, and protection under the Convention Against Torture.

As of April 15, 2026, ICE has refused to release her, indicating that it will wait to determine whether DHS will file an appeal. Petitioner has remained detained for more than seven months.

Attached to this Petition are letters of support from family members and close friends confirming that Petitioner does not pose a danger to the community and has a fixed residence where she will reside upon release.

IV. LEGAL ARGUMENT

A. Violation of Due Process under the Fifth Amendment

Petitioner's continued detention violates her right to due process. In *Zadvydas v. Davis*, the United States Supreme Court held that immigration detention cannot be indefinite and must be reasonably limited in duration.

Similarly, in *Rodriguez v. Robbins*, the Ninth Circuit recognized that prolonged detention without individualized review raises serious constitutional concerns.

In this case, Petitioner has already been recognized as eligible for protection, eliminating any legitimate justification for her continued detention without individualized assessment.

B. Prolonged Detention Without a Bond Hearing

In *Diouf v. Napolitano*, the court held that prolonged detention requires a bond hearing at which the government must justify the necessity of continued detention.

Petitioner has not received such a hearing despite being detained for more than six months.

C. Arbitrary and Unreasonable Detention

Immigration detention must be related to its legitimate purposes. In *Demore v. Kim*, the Supreme Court recognized that detention is permissible only when it is limited and reasonable.

Here, detention is excessive because:

- Petitioner has no criminal history;
- She does not pose a danger to the community;
- She is not a flight risk;
- She has been granted asylum;

D. ICE's Refusal to Exercise Discretion

ICE has adopted a policy of refusing to consider release until the expiration of the appeal period, which constitutes an arbitrary refusal to exercise individualized discretion and violates due process.

V. CONSTITUTIONAL VIOLATIONS

Petitioner's continued detention violates:

- The Fifth Amendment, by depriving her of liberty without due process of law;
- The principle of civil, non-punitive detention;
- The right to an individualized custody determination;

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- Declare that her detention is unlawful and unconstitutional;
- Order that she not be transferred while this case is pending;
- Order her immediate release;
- OR, in the alternative,
- Order an individualized bond hearing before an Immigration Judge, at which the Government bears the burden of proving that continued detention is necessary;
- Grant any other relief that this Court deems just and proper.

VII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order her immediate release or, in the alternative, provide an individualized bond hearing consistent with due process.

VIII. VERIFICATION

I, Génesis Escalona Ramírez, declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Genesis Escalona Ramirez

Génesis Escalona Ramírez

Pro Se



Otay Mesa Detention Center

7488 Calzada de la Fuente

San Diego, CA 92154

Date: April 17, 2026

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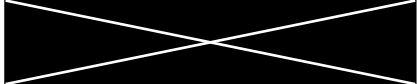
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

ESCALONA RAMIREZ, GENESIS

To:

BAKER, WILLIAM JASON



A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

04/01/2026

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 04/01/2026. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent removable inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i) & 212(a)(7)(A)(i)(I)

The immigration court found Respondent not removable not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. See INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

SUPPORT LETTER

Date: April 17, 2026

To Whom It May Concern:

My name is Yessica Katherine Molina Ramírez, and I am writing to express my full support for Génesis Escalona Ramírez.

I currently reside at [REDACTED] and I can be reached at [REDACTED]

I would like to confirm that Génesis Escalona Ramírez has a stable and reliable place to live upon her release. She will be residing at my address, where she will have a safe and supportive environment.

Génesis is a person of good moral character. She is respectful, responsible, and committed to following the law. Based on my knowledge of her, I firmly believe that she does not pose any risk to the community and will fully comply with all requirements from immigration authorities.

I am willing to provide her with support and guidance as she adjusts after her release, including ensuring that she attends all required appointments and fulfills any obligations.

I respectfully ask that her situation be considered with compassion and that she be granted the opportunity to continue her process outside of detention.

Please feel free to contact me if any additional information is needed.

Sincerely,

Yessica Molina

Yessica Katherine Molina Ramírez

[REDACTED]

LETTER OF SUPPORT

Date: April 17, 2026

To Whom It May Concern:

My name is Reison Ruz, and I respectfully submit this letter in support of Génesis Escalona Ramírez.

I reside at



I am writing to confirm that Génesis Escalona Ramírez will have a stable and secure place to live upon her release from detention. She will reside with me at the address listed above, where I am prepared to provide her with housing and support as she transitions into the community.

I have known Génesis as a person of good character. She is respectful, responsible, and does not represent any danger to the community. I am confident that she will comply with all legal requirements and attend any scheduled appointments or court proceedings.

I fully support her release and am willing to assist her in any way necessary to ensure her successful integration and compliance with all conditions imposed by immigration authorities.

Please feel free to contact me if you need any additional information.

Sincerely,

REISON RUIZ

Reison Ruz

