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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MARIA HAYDEE PALACIOS RAMOS,

11 Petitioner,

12 v.

13 CHRISTOPHER LaROSE, Warden, Otay
14 Mesa Detention Center, et al.,

15 Respondent.

Case No.: 26-cv-02730-JO-DEB

**RETURN TO PETITION FOR
WRIT OF HABEAS CORPUS**

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18 Petitioner appears to be a member of the Bond Eligible Class certified in
19 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,
20 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The Ninth Circuit later stayed application
21 of the Order beyond the Central District of California. However, Respondents
22 acknowledge the prior orders from this District directing bond hearings pursuant to 8
23 U.S.C. § 1226(a) in similar cases. Respondents therefore do not oppose an order from
24 this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a). To the extent
25 the Court issues an order directing a bond hearing under 1226(a), considering heavy
26 caseloads and staffing levels, Respondents respectfully request that such order provide
27 the government 14 days from issuance to hold such bond hearing.
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1 However, Petitioner’s first¹, second², and fourth³, grounds for habeas relief
2 alleged in the Petition are improper bases for habeas relief under ⁴ 28 U.S.C. § 2241.
3 The Court should deny Petitioner’s claims involving the circumstances of her arrest, the
4 fourth amendment, the Posse Comitatus Act, and the quality of or her access to medical
5 care in custody.

6 **Improper Habeas Claims Under 28 U.S.C. § 2241.**

7 An individual may seek habeas relief under 28 U.S.C. § 2241 if he is “in custody”
8 under federal authority “in violation of the Constitution or laws or treaties of the United
9 States.” 28 U.S.C. § 2241(c). But habeas relief is available to challenge only the legality
10 or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023);
11 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep’t of Homeland Security v.*
12 *Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus historically
13 “provide[s] a means of contesting the lawfulness of restraint and securing release.”).
14 The Ninth Circuit squarely explained how to decide whether a claim sounds in habeas
15 jurisdiction: “[O]ur review of the history and purpose of habeas leads us to conclude
16 the relevant question is whether, based on the allegations in the petition, release is
17 *legally required* irrespective of the relief requested.” *Pinson*, 69 F.4th at 1072 (emphasis
18 in original); *see also Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key
19 inquiry is whether success on the petitioner’s claim would “necessarily lead to
20 immediate or speedier release.”). Here, a review of such claims would not automatically
21

22 ¹ Petitioner alleges first that “her warrantless seizure and arrest by active-duty Marine
23 Corps personnel violated the Posse Comitatus Act.” ECF No. 1 ¶ 4.

24 ² Petitioner alleges second that “the warrantless seizure violated the Fourth
25 Amendment.” *Id.*

26 ³ Petitioner alleges fourth that her “sudden seizure” and “indefinite confinement without
27 pre-deprivation notice” violated her due process rights under the Fifth Amendment. *Id.*
28 The Court should not consider this claim as Petitioner herself states she has been living
illegally in the United States for over 20 years and this is her first contact with
immigration enforcement.

1 entitle her to release from detention. *See Guselnikov v. Noem*, No. 25-cv-1971-BTM-
2 KSC, 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did
3 not arise under § 2241 because they were not arguing they were unlawfully in custody
4 and receiving the requested relief would not entitle them to release); *Giron Rodas v.*
5 *Lyons*, No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025)
6 (“Like in *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition
7 since it cannot be fairly read as attacking ‘the legality or duration of confinement.’”)
8 (quoting *Pinson*, 69 F.4th at 1065).

9 **Fourth Amendment Claims Fail**

10 To the extent Petitioner asserts claims under the Fourth Amendment, she fails to
11 explain why release is the remedy for such alleged violations. *United States v. Crews*,
12 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment’s
13 “exclusionary principle” “delimits what proof the Government may offer against the
14 accused at trial, closing the courtroom door to evidence secured by official
15 lawlessness,” but an individual “is not himself a suppressible ‘fruit’”); *Cruz v. Barr*,
16 926 F.3d 1128, 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment
17 grounds because fruits of the regulatory violation were the only evidence of petitioner’s
18 alienage).

19 Moreover, Fourth Amendment claims related to alienage “belong in front of an
20 Immigration Judge, not a federal district court.” *See Marvan v. Slaughter*, No. CV 25-
21 49-H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
22 challenging detention based on Fourth Amendment violations for lack of subject matter
23 jurisdiction). Petitioner cannot simply “bypass the immigration courts and proceed
24 directly to district court. Instead, [he] must exhaust the administrative process before
25 [he] can access the federal courts.” *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To
26 the extent Petitioner desires to bring such claims, this district court does not have
27 jurisdiction. Under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law and
28 fact . . . arising from any action taken or proceeding brought to remove an alien from

1 *the United States* under this subchapter shall be available only in judicial review of a
2 final order under this section.” Further, judicial review of a final order is available only
3 through “a petition for review filed with an appropriate court of appeals.” 8 U.S.C.
4 § 1252(a)(5).

5 **Conditions of Confinement Allegations are Not Proper Habeas Claims**

6 To the extent Petitioner asserts claims regarding conditions of her confinement,
7 ECF No. 1 at ¶¶ 3-4, 37-39, the Court lacks jurisdiction over such claims because they
8 do not challenge the lawfulness of her custody. An individual may seek habeas relief
9 under 28 U.S.C. § 2241 if she is “in custody” under federal authority “in violation of
10 the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c). But
11 habeas relief is available to challenge only the legality or duration of confinement.
12 *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d
13 890, 891 (9th Cir. 1979); *Dep’t of Homeland Security v. Thraissigiam*, 591 U.S. 103,
14 117 (2020) (The writ of habeas corpus historically “provide[s] a means of contesting
15 the lawfulness of restraint and securing release.”). The Ninth Circuit squarely explained
16 how to decide whether a claim sounds in habeas jurisdiction: “[O]ur review of the
17 history and purpose of habeas leads us to conclude the relevant question is whether,
18 based on the allegations in the petition, release is *legally required* irrespective of the
19 relief requested.” *Pinson*, 69 F.4th at 1072 (emphasis in original); *see also Nettles v.*
20 *Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key inquiry is whether success on the
21 petitioner’s claim would “necessarily lead to immediate or speedier release.”). Here,
22 Petitioner’s claims regarding the conditions of her confinement do not arise under
23 § 2241. *See Nettles*, 830 F.3d at 933 (“We have long held that prisoners may not
24 challenge mere conditions of confinement in habeas corpus.”); *Giron Rodas v. Lyons*,
25 No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025) (“Like in
26 *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition since it
27 cannot be fairly read as attacking ‘the legality or duration of confinement.’”) (quoting
28 *Pinson*, 69 F.4th at 1065); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC, 2025 WL

1 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners' claims did not arise under
2 § 2241 because they were not arguing they were unlawfully in custody and receiving
3 the requested relief would not entitle them to release).

4 Thus, Petitioner's first, second, and fourth claims do not arise under § 2241 and
5 those claims should be dismissed.

6 DATED: May 7, 2026

Respectfully submitted,

7 ADAM GORDON
8 United States Attorney

9 *s/Hunter V. Norton*
10 Hunter V. Norton
11 Assistant United States Attorney
12 Attorneys for Respondents
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