

1 Law Offices of Gita B. Kapur & Associates
2 Gita B. Kapur, Esq. (CA SBN 223754)
3 617 S. Olive St., Suite 1000
4 Los Angeles, CA 90014
5 Tel: (213) 327-0455 | Fax: (213) 327-0707
6 Email: gita.kapur@gitakapurlaw.com

7 Attorneys for Petitioner:
8 Maria Haydee Palacios Ramos

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

11 MARIA HAYDEE PALACIOS RAMOS,
12 Petitioner,
13 v.
14 Christopher LAROSE, Warden of Otay
15 Mesa Detention Center; Patrick DIVVER,
16 Field
17 Office Director, San Diego Field Office;
18 Todd LYONS, Acting Director, Immigration
19 and Customs Enforcement; Markwayne
20 MULLIN, Secretary, U.S. Department of
21 Homeland Security; U.S. Department of
22 Homeland Security; Todd BLANCHE,
23 Acting U.S. Attorney General,
24 Respondents.

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

**PETITIONER'S TRAVERSE TO
RESPONDENTS' RETURN
FOR WRIT OF HABEAS
CORPUS**

Honorable Jinsook Ohta
United States District Judge

Hearing: May 21, 2026 at 9:30 AM
Courtroom 4C

1 **I. INTRODUCTION**

2 Petitioner, Maria Haydee Palacios Ramos, by and through her undersigned counsel,
3 respectfully submits this Reply to Respondents' Return (Dkt. 5). Respondents do not oppose
4 an order directing a bond hearing under 8 U.S.C. § 1226(a) (Dkt. 5 at 1), but that tactical non-
5 opposition does not concede the lawfulness of the underlying arrest or detention, does not
6 resolve the Petition, and does not deprive this Court of jurisdiction to grant the broader relief
7 the Petition seeks: immediate release. Respondents nevertheless argue that "Petitioner's first,
8 second, and fourth grounds for habeas relief alleged in the Petition are improper bases for
9 habeas relief under 28 U.S.C. § 2241" (Dkt. 5 at 2), and they ask the Court to deny the claims
10 challenging the circumstances of arrest, the Fourth Amendment, the Posse Comitatus Act, and
11 Petitioner's access to medical care in custody. That position mischaracterizes the Petition.
12 Petitioner does not seek habeas review of discrete arrest-related issues in isolation; she
13 challenges the legality of her detention as a whole, including unlawful detention under 8 U.S.C.
14 § 1225(b), the constitutional and statutory defects underlying her custody, and her continuing
15 confinement pursuant to an unlawful detention scheme. Accordingly, Respondents' non-
16 opposition only underscores that Petitioner is entitled to habeas relief, and this Court should
17 grant the immediate release the Petition seeks.

18 **II. ARGUMENT**

19 **Legal Standard.** Section 2241 authorizes habeas relief where the petitioner is "in custody in
20 violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).
21 The writ "acts to release individuals from improper or unlawful confinement" and reaches
22 executive detention generally. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008); *INS v. St. Cyr*,
23 533 U.S. 289, 301 (2001). Once Petitioner establishes that she is in custody, the government
24 bears the burden to demonstrate lawful detention authority. *Singh v. Holder*, 638 F.3d 1196,
25 1203 (9th Cir. 2011); *Diouf v. Napolitano*, 634 F.3d 1081, 1091 (9th Cir. 2011). After a
26 custodial period of prolonged detention, the government must justify continued detention by
27 clear and convincing evidence. *Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th Cir. 2017).
28 Under the Posse Comitatus Act, the court must determine whether military personnel provided

1 'direct participation' in a civilian law enforcement operation, such as a search or seizure. *United*
2 *States v. Dreyer*, 804 F.3d 1266, 1273-75 (9th Cir. 2015) (en banc). Under the standard set
3 forth in *Lopez-Rodriguez v. Mukasey*, a Fourth Amendment violation is egregious if the
4 conduct is such that a 'reasonable officer should have known' it was unconstitutional. 536 F.3d
5 1012, 1018 (9th Cir. 2008).

6 **1. A Bond Hearing is Insufficient to Remedy an Unlawful Seizure**

7 Petitioner acknowledges Respondents' non-opposition to a 8 U.S.C. § 1226(a) bond hearing.
8 However, Petitioner maintains that her detention was unlawful from its inception on April 6,
9 2026 (Dkt. 1-2 at 7-10, ¶¶ 9-23). A bond hearing addresses only the continued necessity of
10 detention; it does not and cannot remedy a seizure conducted by active-duty military personnel
11 in direct violation of the Posse Comitatus Act ("PCA") and the Fourth Amendment (Dkt. 1 at
12 23-30). Petitioner seeks immediate release because the government cannot lawfully maintain
13 custody over a person whose seizure was predicated on a military exercise of civilian police
14 power that is expressly forbidden by federal law.

15 If, despite Petitioner's request for immediate release, the Court orders a bond hearing, that
16 hearing must occur within 48 to 72 hours. Respondents request 14 days (Dkt. 5 at 1), invoking
17 "heavy caseloads and staffing levels." That is not a constitutionally sufficient justification for
18 additional days of unlawful detention. *See Hernandez v. Sessions*, 872 F.3d 976, 990–91 (9th
19 Cir. 2017) (recognizing that the government's interest in efficient administration of the
20 immigration system does not outweigh the significant liberty deprivation occasioned by
21 prolonged detention without bond).

22 **2. Direct Challenges to Legality vs. Collateral Challenges: Petitioner's Claims Sound in** 23 **the Core of Habeas**

24 Respondents erroneously rely on *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023), and
25 *Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016), to argue that Petitioner's claims
26 involving the circumstances of her arrest, the Fourth Amendment, the PCA, and her access to
27 medical care in custody are improper for habeas relief. This comparison is legally flawed and
28 fundamentally mischaracterizes the nature of Petitioner's case. Petitioner does not merely

1 challenge detention conditions or procedures; she challenges the foundational lawfulness of
2 her custody itself, which was unlawful from its inception. In *Nettles*, the Ninth Circuit
3 confirmed that habeas remains the proper vehicle for claims that go directly to the legality of
4 detention. *Nettles*, 830 F.3d at 935. Critically, *Pinson* rejected conditions-of-confinement
5 claims under § 2241 because success on those allegations would not make release legally
6 required—the absolute prerequisite for habeas relief—whereas a request for release alone does
7 not transform a conditions claim into habeas. *Pinson v. Carvajal*, 69 F.4th at 1072. Similarly,
8 *Crawford v. Bell*, 599 F.2d 890 (9th Cir. 1979), involved a challenge only to the terms and
9 conditions of confinement, not the foundational validity of the detention itself.

10 Respondents' citation to *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103,
11 117 (2020), confirms rather than defeats Petitioner's claim. The Court there recognized that
12 habeas "provide[s] a means of contesting the lawfulness of restraint and securing release"—
13 precisely what Petitioner seeks here. *Id.* And *Thuraissigiam* addressed only the limited
14 Suspension Clause rights of an asylum-seeker apprehended 25 yards from the border 24 hours
15 after entry—a posture the Court itself expressly distinguished from the rights of long-term
16 residents. *Id.* at 107;138–43. Petitioner is a 21-year resident with no prior immigration
17 encounters. She is the opposite of the *Thuraissigiam* petitioner, and her Suspension Clause
18 rights are at their constitutional zenith.

19 Here, by sharp contrast to *Pinson*, *Nettles*, and *Crawford*, Petitioner alleges statutory and
20 constitutional violations—specifically the PCA (Count I) and Fourth Amendment (Count II)
21 violations—that infected the government's authority to detain her at all. If these allegations are
22 proven, the continued custody is unlawful, and immediate release is the necessary and legally
23 required remedy. Success on Petitioner's PCA claim necessarily requires release because the
24 seizure itself was a "direct participation" in civilian law enforcement expressly forbidden by
25 10 U.S.C. § 275 and 18 U.S.C. § 1385. Unlike the petitioners in *Pinson* or *Nettles*, whose
26 release was not "legally required irrespective of the relief requested," success on Petitioner's
27 foundational claims renders her initial capture and subsequent transfer to ICE a nullity under
28 the law. Furthermore, Petitioner's claim in Count V involves the government's violation of its
own Castañon Nava Broadcast Policy, stemming from the settlement in *Castañon Nava et al.*

1 *v. Dep't of Homeland Sec.*, No. 18-cv-3757 (N.D. Ill. Feb. 2, 2022). The district court held that
2 the consent decree—and the Broadcast Statement of Policy—did not expire on February 2,
3 2026, but instead remain in full force while enforcement motions are pending, and ordered
4 DHS to recirculate the Broadcast Policy nationwide and to instruct that it continues to govern
5 ICE's warrantless arrests. *See Castañon Nava v. Dep't of Homeland Sec.*, No. 18-cv-3757 (N.D.
6 Ill. Feb. 17, 2026). Consequently, the Broadcast Policy remained in effect on April 6, 2026—
7 the date of Petitioner's arrest. The policy required officers, before any warrantless civil
8 immigration arrest, to conduct a totality-of-circumstances evaluation of flight risk and
9 document specific, particularized facts in narrative form on Form I-213.

10 Recently, the Seventh Circuit's decision in *Castañon-Nava v. United States Dep't of Homeland*
11 *Sec.*, No. 25-3050, slip op. (7th Cir. May 5, 2026), found that ICE had arrested individuals
12 without a warrant and without reason to believe they were likely to escape before a warrant
13 could be obtained, directly contravening § 1357(a)(2). The Seventh Circuit affirmed the district
14 court's authority to order release of class members whose arrests violated § 1357(a)(2), while
15 affirming in part and reversing in part the scope of relief for non-confirmed class members.

16 **The Government's Own Form I-213 Affirmatively Demonstrates Violation of §**
17 **1357(a)(2), 8 C.F.R. § 287.8(c), and the Castañon Nava Broadcast Policy.** Respondents

18 have attached the contemporaneous Form I-213 (Dkt. 5-1 at 2–5). That document—the only
19 formal record of the arrest—affirmatively establishes the violation on each of the four
20 *Castañon Nava* flight-risk factors:

21 **(a) Identity.** Petitioner produced a valid California Driver's License at the scene. Dkt. 5-1 at
22 2. Identity was instantly established—eliminating any flight-risk inference on this factor.

23 **(b) Prior escapes or evasions.** The I-213 records that "CIS checked on 04/07/2026 with
24 Negative result. EARM checked on 04/07/2026 with Negative result. IAFIS checked on
25 04/07/2026 with Negative result. TECS checked on 04/07/2026 with Negative result." *Id.* Four
26 separate federal databases confirm zero prior immigration encounters of any kind—the
27 strongest possible showing on this factor.

28 **(c) Attempts to flee detection.** The I-213 records Petitioner's own statement that she "was
attempting to use the restroom and Google Maps oriented her to the military establishment."

1 *Id.* The very act that brought her into contact with ICE was a navigation error she immediately
2 sought to correct, not an evasion.

3 **(d) Community ties.** The I-213 is silent on family, employment, or residence. While it notes
4 Petitioner's residential address, it contains no discussion of her 21 years of continuous
5 residence, her 20-year employment history, her U.S. citizen granddaughters, or her naturalized
6 U.S. citizen daughter or Lawful permanent resident daughter—all matters the deportation
7 officer was required to "consider" and document under the Broadcast Policy.

8 The I-213 contains *zero* narrative discussion of flight risk. Under the government's own
9 document, the responding officer failed to perform the individualized *Castañon Nava* analysis
10 the Broadcast Policy required. That failure renders the arrest unlawful under § 1357(a)(2), 8
11 C.F.R. § 287.8(c)(2)(ii), and the Broadcast Policy, and renders Petitioner's continued
12 detention—the direct fruit of that unlawful arrest—equally unlawful.

13 **3. The "Egregious Violation" Exception Overrides *United States v. Crews***

14 Respondents cite *United States v. Crews*, 445 U.S. 463, 474 (1980), for the proposition that an
15 individual is not a suppressible "fruit" of an illegal arrest. While this may be the general rule
16 in criminal law, the Ninth Circuit has established an "egregious violation" exception in the civil
17 immigration context. *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012, 1018 (9th Cir. 2008)
18 (applying *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984)); *Orhorhaghe v. INS*, 38 F.3d 488, 493
19 (9th Cir. 1994); *see also Sanchez v. Sessions*, 904 F.3d 643, 651–52 (9th Cir. 2018) (egregious-
20 violation as basis for suppression in civil immigration proceedings). The holding in *Crews* is
21 narrowly confined to the criminal context concerning the admissibility of an in-court
22 identification, where the defendant's physical person is not considered a suppressible fruit of a
23 Fourth Amendment violation. This contrasts sharply with the challenges raised here under the
24 PCA and the Fourth Amendment, both of which implicate the government's fundamental
25 statutory and constitutional authority to detain an individual at all.

26 **Cruz v. Barr supports, rather than defeats, release.** Respondents emphasize that the Ninth
27 Circuit in *Cruz v. Barr*, 926 F.3d 1128 (9th Cir. 2019), released the petitioner only because
28 "fruits of the regulatory violation were the only evidence of petitioner's alienage." *Id.* at 1146

1 (Dkt. 5 at 3). That description fits this case precisely. Respondents' own Form I-213 confirms
2 that the entire evidentiary basis for Petitioner's removability arose from the unlawful seizure:
3 (i) Petitioner's compelled answer to a telephonic ICE interrogation conducted *through a*
4 *Marine's personal cell phone* while she was held at gunpoint at a military gate (Dkt. 5-1 at 2);
5 (ii) four federal database checks (CIS, EARM, IAFIS, TECS) that returned "Negative result"—
6 confirming that no independent evidence of Petitioner's alienage existed prior to the unlawful
7 military-facilitated interrogation (*id.*); and (iii) Petitioner's California Driver's License, which
8 establishes only her California residence, not her alienage. Just as in *Cruz*, the regulatory fruits
9 of the unlawful arrest are the only evidence the government can muster of Petitioner's alienage.
10 Under *Cruz*, release is the appropriate remedy. *Cruz*, 926 F.3d at 1146.

11 The facts of this case are uniquely egregious: active-duty Marines drew a firearm on a
12 frightened seven-year-old child, a lawfully admitted visitor, to effectuate a warrantless civil
13 immigration arrest of her grandmother following a common civilian navigation error. (Dkt. 1-
14 2 at 8-9, ¶¶ 13-15.) The Marines' further statement that they would have arrested Petitioner's
15 adult daughter Vanessa, who was also a lawfully admitted B-2 visitor—"if it wasn't for your
16 little girl, we would be taking you too" (*id.* at 10, ¶ 21)—underscores the arbitrariness and
17 irrationality of the seizure. The Marines had no lawful basis to arrest Vanessa; her only apparent
18 "offense" was her family relationship to Petitioner. This conduct "shocks the conscience" and
19 constitutes the type of "widespread" or "bad faith" violation that permits habeas release even
20 when the "fruit" is the person herself. *Crews* did not contemplate a military seizure of a
21 grandmother at gunpoint for a missed highway exit; this Court must apply the higher
22 constitutional standards required by the Ninth Circuit for such gross misconduct.

23 **4. Habeas Jurisdiction is Not Barred by Administrative Exhaustion or by 8 U.S.C. §**
24 **1252**

25 Respondents argue under *Marvan v. Slaughter*, No. CV 25-49-H-DLC, 2025 WL 1940043, at
26 *3 (D. Mont. July 15, 2025), that Fourth Amendment claims must be exhausted in immigration
27 court, and they invoke 8 U.S.C. §§ 1252(a)(5) and 1252(b)(9) to argue that judicial review must
28

1 proceed through a petition for review in the court of appeals (Dkt. 5 at 3–4). Both arguments
2 fail at the threshold.

3 **Section 1252(a)(5) does not apply.** Section 1252(a)(5) channels review of "final order[s]" of
4 removal exclusively into the courts of appeals. 8 U.S.C. § 1252(a)(5). No final order has
5 issued—Petitioner's removal proceedings remain pending—and § 1252(a)(5) is therefore
6 inapplicable on its face. *See Singh v. Gonzales*, 499 F.3d 969, 977 (9th Cir. 2007) (§ 1252(a)(5)
7 governs only final-order review).

8 **Section 1252(b)(9) does not channel detention challenges.** The Supreme Court held in
9 *Jennings v. Rodriguez*, 583 U.S. 281, 293–95 (2018), that § 1252(b)(9)—the so-called "zipper
10 clause"—does not reach detention-authority challenges, because such challenges are not
11 "action[s] taken or proceeding[s] brought to remove an alien from the United States."
12 Detention-authority claims are therefore categorically outside the scope of § 1252(b)(9). *Id.*
13 Respondents' reliance on *J.E.F.M. v. Lynch*, 837 F.3d 1026 (9th Cir. 2016), is misplaced for
14 the same reason: *J.E.F.M.* was a class action seeking right-to-counsel in removal
15 proceedings—a question directly bound up with removal—and is distinguishable from a pre-
16 removal-order detention-authority challenge. *Compare J.E.F.M.*, 837 F.3d at 1031, *with*
17 *Jennings*, 583 U.S. at 293–95.

18 In addition, Petitioner's primary claims—including her PCA claim, her warrantless-arrest claim
19 under § 1357(a)(2) and the Fourth Amendment, and her *Castañon Nava* Broadcast Policy
20 claim—each present pure questions of statutory and constitutional law that an Immigration
21 Judge has no jurisdiction to adjudicate.

22 The Ninth Circuit excuses exhaustion where remedies are futile—when the agency cannot
23 provide relief or has predetermined the issue against the claimant. *See Laing v. Ashcroft*, 370
24 F.3d 994, 1000 (9th Cir. 2004); *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011). EOIR
25 cannot adjudicate the Department of Defense's military involvement in civilian arrests or grant
26 habeas-equivalent relief declaring PCA violations void the detention *ab initio*.

27 Pursuing a bond hearing before an Immigration Judge would in any event be futile. BIA
28 precedent in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), mandates detention
for all entrants without inspection as "applicants for admission" under § 1225(b)(2), regardless

1 of interior residence. While the Central District vacated *Yajure Hurtado* in *Maldonado Bautista*
2 *v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), the Ninth Circuit's
3 administrative stay on March 6, 2026, limits that vacatur's effect outside the Central District.
4 *Maldonado Bautista v. DHS*, No. 26-1044 (9th Cir. Mar. 6, 2026). Petitioner, detained in the
5 Southern District, thus faces an IJ bound by *Yajure Hurtado*. Habeas provides the exclusive
6 forum—as the "Great Writ"—to test the legality of executive custody.

7 **5. Conditions of Confinement and Due Process**

8
9 Petitioner maintains Count VIII as an independent claim under the Fifth Amendment Due
10 Process Clause. In the alternative, and even if the Court were to conclude that Count VIII alone
11 cannot support habeas relief under *Pinson*, the conditions Petitioner has endured serve as
12 independently dispositive evidence that the broader detention is conscience-shocking and
13 unconstitutional.

14 Respondents rely on *Guselnikov v. Noem*, No. 3:25-cv-1971-BTM-KSC, 2025 WL 2300873
15 (S.D. Cal. Aug. 8, 2025), and *Giron Rodas v. Lyons*, No. 25-cv-1912-LL-AHG, 2025 WL
16 2300781 (S.D. Cal. Aug. 1, 2025), to dismiss Petitioner's claims regarding her treatment in
17 custody. This reliance is misplaced because, in those cases, the petitioners challenged the *terms*
18 of confinement, not the *fact* of detention. In *Guselnikov*, the Court explicitly noted that the
19 petitioners did not challenge the lawfulness of their custody, but rather the type of review and
20 procedure they were receiving related to their claims of fear of persecution. *Guselnikov*, 2025
21 WL 2300873, at *4. Specifically, *Giron Rodas* was dismissed because the petition could not
22 be "fairly read as attacking the legality or duration of confinement." *Giron Rodas*, 2025 WL
23 2300781, at *3. Each is distinguishable from Petitioner's claim that her arrest was *void ab initio*.
24 Petitioner does not raise her conditions as an independent "conditions of confinement" suit
25 seeking only injunctive relief. Rather, she argues that the punitive and medically indifferent
26 conditions she has endured—including being denied a lower bunk despite her age and health,
27 receiving no linguistic access to legal documents, and facing disruption to critical antiviral and
28 hypercholesterolemia treatment (Dkt. 1-2 at 10, ¶ 23; at 11, ¶ 25; at 11-12, ¶¶ 27-29)—
compound the Substantive Due Process violations that began with her unlawful military arrest.

1 These deprivations transform a statutory illegality into a constitutional crisis. When detention
2 is unauthorized from its inception due to violations of the PCA, the Fourth Amendment, and
3 other statutory and constitutional laws, the continued imposition of punitive and medically
4 deficient conditions becomes powerful evidence that the detention is not merely legally
5 unauthorized but is being executed in an arbitrary and conscience-shocking manner that further
6 violates the Fifth Amendment. Her physical conditions serve as concrete proof of the injury
7 resulting from the government's fundamentally flawed authority to detain her at all, demanding
8 the ultimate remedy of immediate release.

9 **Respondents' footnote argument that Petitioner's 21-year unauthorized presence**
10 **disqualifies her due process claim is foreclosed by controlling precedent.** Respondents
11 suggest in footnote that the Court should disregard Petitioner's Fifth Amendment due process
12 claim because she "has been living illegally in the United States for over 20 years." (Dkt. 5 at
13 2 n.3.) The Supreme Court has rejected that position emphatically. "[A]liens, even aliens whose
14 presence in this country is unlawful, have long been recognized as 'persons' guaranteed due
15 process of law by the Fifth and Fourteenth Amendments." *Plyler v. Doe*, 457 U.S. 202, 210
16 (1982); *accord Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("due process applies to all
17 'persons' within the United States, including aliens, whether their presence here is lawful,
18 unlawful, temporary, or permanent"). If anything, the length of Petitioner's residence *increases*
19 the constitutional weight of her liberty interest. *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
20 Respondents' contrary suggestion would require the Court to write the Due Process Clause out
21 of the Constitution for the largest single category of immigrants in removal proceedings—a
22 position no Supreme Court or Ninth Circuit decision supports.

23 III. CONCLUSION

24
25 For the foregoing reasons, Petitioner respectfully prays that this Court grant the following
26 relief: 1. Assume jurisdiction over this matter; 2. Order that Petitioner shall not be transferred
27 outside the Southern District of California, or removed from the United States, while this
28 Petition is pending; 3. Issue a Writ of Habeas Corpus requiring Respondents to release

1 Petitioner from custody immediately; 4. Declare that Petitioner's warrantless seizure by United
2 States Marine Corps personnel at the Las Pulgas Gate of Marine Corps Base Camp Pendleton
3 on April 6, 2026 violated the Posse Comitatus Act, 18 U.S.C. § 1385, and 10 U.S.C. § 275; 5.
4 Declare that Petitioner's warrantless seizure violated the Fourth Amendment, 8 U.S.C. §
5 1357(a), and 8 C.F.R. § 287.8; 6. Declare that Petitioner's warrantless arrest without
6 individualized assessment of flight risk violated the Castañon Nava Broadcast Policy; 7.
7 Declare that Respondents' operation of the Camp Pendleton interagency security initiative and
8 the agency action authorizing Petitioner's arrest constitute final agency action that is arbitrary,
9 capricious, not in accordance with law, and in excess of statutory authority, in violation of 5
10 U.S.C. § 706(2); 8. Declare that Petitioner is not an "applicant for admission" subject to
11 mandatory detention under 8 U.S.C. § 1225(b); 9. Declare that Petitioner's deprivation of
12 liberty through unlawful arrest, classification, and detention violates the Procedural and
13 Substantive Due Process Clauses of the Fifth Amendment; 10. Declare that Petitioner's
14 conditions of confinement violate the Fifth Amendment Due Process Clause; 11. Enjoin
15 Respondents from re-detaining Petitioner, absent exigent circumstances, without first
16 providing her with written notice and a pre-detention hearing before a neutral adjudicator, at
17 which the government bears the burden, by clear and convincing evidence, to establish that
18 Petitioner poses a danger to the community or a risk of flight and that no less restrictive
19 alternative can reasonably ensure her appearance and community safety.

20
21 DATED: May 11, 2026

Respectfully submitted,
22 /s/ Gita B. Kapur
Gita B. Kapur, Esq.
23 Attorney for Petitioner,
24 Maria Haydee Palacios Ramos

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Petitioner, certifies that this brief contains 3,638 words, and therefore complies with the word limit set forth in Local Rule 11-6.1.

DATED: May 11, 2026

/s/ Gita B. Kapur
Gita B. Kapur, Esq.
Attorney for Petitioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28