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Attorney for Petitioner

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

AZURIN ROMAN OCAMPO)
)
)
Petitioner,)
)
v.)
WARDEN OF IMPERIAL REGIONAL)
DETENTION FACILITY;)
ERNESTO SANTACRUZ JR, in his official)
Capacity as Field Office Director of the)
Immigration and Customs Enforcement,)
Enforcement and Removal Operations)
IMPERIAL DETENTION FACILITY;)
MARKWAYNE MULLIN, in his official)
capacity as Secretary of the U.S.)
Department of Homeland Security; and)
TODD BLANCHE, in his official capacity)
as Attorney General of the United States,)
)
Respondents.)
)

NO.: 3:26-cv-03045-DMS-SBC

**RESPONSE TO RESPONDENTS
ANSWER TO PETITION FOR
WRIT OF HABEAS
CORPUS**

INTRODUCTION

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Petitioner, Azurin Roman Ocampo, respectfully submits this Reply to Respondents' Response to the Petition for Writ of Habeas Corpus and respectfully requests this Court order Petitioner's immediate release due to unlawful detention and ongoing violation of due process rights, or alternatively order an expedited bond hearing without delay following no more than 7 days of receiving this petition.

Respondent's response effectively concedes that relief is warranted. Specifically, Respondents do not oppose this Court ordering a custody hearing pursuant to 8 U.S.C. § 1226(a) and acknowledge prior district court orders directing such hearings in materially similar cases. However, Respondents request an additional fourteen (14) days before conducting any hearing, citing staffing levels and heavy caseloads.

Petitioner respectfully submits that continued detention absent immediate judicial intervention constitutes an ongoing deprivation of liberty and violation of procedural due process. Respondents' administrative burdens do not outweigh Petitioner's constitutional rights. Because Respondents concede entitlement to a bond hearing, no legitimate basis exists for prolonging detention.

Time is of the essence as Petitioner remains in custody despite Respondents present concession that the qualifies for bond proceedings. Every additional day of detention compounds the deprivation of liberty. Habeas relief is intended to provide a

1 prompt and effective remedy against unlawful custody, particularly where the
2 Government no longer disputes the threshold entitlement to process.

3 **RESPONDENTS EFFECTIVELY CONCEDE RELIEF IS WARRANTED**

4
5 Respondents expressly state that they “do not oppose an order from this Court
6 directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).”

7
8 This concession substantially narrows the dispute before the Court. The issue is
9 no longer whether Petitioner is entitled to procedural relief, but rather how quickly
10 constitutionally required process must occur.

11
12 The deprivation of liberty through immigration detention implicates serious
13 constitutional protections under the Due Process Clause of the Fifth Amendment.
14 Continued detention without prompt individualized review grave constitutional
15 concerns, particularly where the Government concedes that Petitioner belongs to a
16 class of detainees entitled to bond consideration.

17
18 **RESPONDENT’S REQUEST FOR AN ADDITIONAL FOURTEEN DAYS IS**
19 **UNREASONABLE**

20
21 Respondents seek fourteen additional days based solely upon staffing shortages
22 and heavy caseloads. However, administrative inconvenience cannot justify prolonged
23 unlawful detention or excuse constitutional violations.

24
25 Every additional day of detention imposes irreparable harm upon Petitioner
26 through continued deprivation of liberty, separation from family, emotional hardship,
27 and inability to meaningfully prepare legal defenses while confined.
28

1 Federal courts have consistently recognized that liberty interests require prompt
2 process where detention is ongoing. A delayed hearing after acknowledgment of
3 entitlement to relief transforms an already unlawful detention into an unnecessarily
4 prolonged constitutional injury.

6 Respondents' generalized references to operational burdens fail to establish
7 good cause for delay and should not supersede Petitioner's constitutional protections.

8
9 **IMMEDIATE RELEASE IS WARRANTED**

10 Petitioner has remained continuously detained since November 10, 2025, for a
11 period exceeding six months. Prolonged civil immigration detention without
12 meaningful relief implicates fundamental liberty interests protected by the Due
13 Process Clause of the Fifth Amendment. Because Respondents concede that Petitioner
14 falls within the class entitled to a hearing pursuant to § 1226(a), continued detention
15 without prompt and effective relief becomes increasingly constitutionally suspect.

18 Petitioner previously afforded bond hearings; however, neither resulted in a
19 meaningful custody determination on the merits. The first bond hearing was
20 effectively withdrawn because it was scheduled without proper notice, depriving
21 Petitioner of a fair opportunity to prepare or submit supporting documentation. On the
22 second bond hearing, counsel was told that there was no applicable Habeas Bond
23 Hearing Order in the Southern District Court and therefore lacked jurisdiction to
24 adjudicate the matter. The government's current position that the Court has
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1 jurisdiction and that Petitioner is a class member further supports and justifies
2 Petitioner's immediate release.

3 Respondents acknowledge that this Court possesses jurisdiction over
4 Petitioner's Habeas claim. Respondents confirm that Petitioner qualifies as a class
5 member entitled to protections associated with detention under 8 U.S.C. § 1226(a),
6 including an individualized custody determination. These concessions substantially
7 undermine any justification for Petitioner's continued detention and weigh in favor of
8 immediate release.
9

10
11 Moreover, Respondents' confirmation that this Court has jurisdiction further
12 supports immediate judicial intervention. Having recognized both the Court's
13 authority to adjudicate the matter and Petitioner's status as a qualifying class member,
14 Respondents fail to justify Petitioner's prolonged detention.
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16
17 Petitioner's continued confinement is particularly unjustified where detention
18 has exceeded six months and Respondents concede that Petitioner is entitled to a
19 custody hearing. Under these circumstances, immediate release is warranted to
20 remedy the ongoing deprivation of liberty and prevent further violation of Petitioner's
21 due process rights. At minimum, Respondents' admissions support expedited relief by
22 this Court; however, given the length of detention and acknowledgment applicability
23 of § 1226(a), immediate release is the most appropriate remedy.
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PRAYER FOR RELIEF

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Petitioner respectfully requests this Court exercise its Habeas authority and order:

1. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner under reasonable conditions of supervision pending proceedings, due to unlawful detention and ongoing due process violations; or alternatively,
2. Enjoin Respondents from further unlawfully detaining Petitioner.
3. Enjoin Respondents from transferring, deporting, or otherwise removing Petitioner from this court’s jurisdiction during the pendency of this action, as such conduct would delay proceedings and risk effective judicial relief.
4. That the Government bear the burden of demonstrating, by clear and convincing evidence, that continued detention is necessary due to flight risk or danger to the community; and
5. In the alternative, order an expedited bond hearing within seven (7) days from the date of Government response before a neutral adjudicator under 8 U.S.C. § 1226(a);
6. Grant any further relief this Court deems just and proper.

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CONCLUSION

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2 Respondents do not oppose the essential relief sought and concede that
3 Petitioner is entitled to a bond hearing. Their request for additional delay is
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5 unsupported by constitutional principles and prolongs unlawful detention without
6 adequate process.

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8 For the foregoing reasons, Petitioner respectfully requests that this Court grant
9 immediate Habeas relief by ordering Petitioner’s immediate release or, alternatively,
10 order an expedited custody hearing within seven (7) days.

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14 Respectfully submitted,

Dated: May 22, 2026

15
16 /s/ Alfonso Morales
17 Alfonso Morales, Esq.
18 *Attorney for Azurin Ramon Ocampo*
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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I represent Petitioner, Azurin Ramon Ocampo, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated May 22, 2026

/s/ Alfonso Morales
Alfonso Morales, Esq.
Attorney for Azurin Ramon Ocampo