

Henry Galvez Ramirez


Golden State Annex
611 Frontage Road
McFarland, CA 93250

FILED

JUL 27 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HENRY GALVEZ RAMIREZ

Petitioner, *Pro se*

V

Case No. 1:26-CV-05195-TLN-JDP

TONYA ANDREWS

Respondent.

Petitioner's Reply to Respondents

RESPONSE

Introduction

Petitioner has been detained for more than 7 months, placed in removal proceedings after petitioner signed his voluntary deportation. At 6 months petitioner was granted a bond hearing in front of judge Anthony Maingot, 5 days after his custody redetermination hearing, petitioner was transferred out of the jurisdictions of Krome Immigration Court, Petitioner has and is proceeding *pro se* in the removal proceedings, due to not having access to a lawyer or support from his family.

Petitioner signed his voluntary deportation on December 17th, however, ICE failed to removed him from the country and placed him on Removal Proceedings.

Since Petitioner's detention, his rights have been violated, after his sentence in the Okaloosa County jail was completed, Petitioner was placed on ICE Hold for 19 days.

On February 11th, Petitioner signed the plead agreement and was informed by his attorney that his time in County jail was up and that he had an ICE hold for 48 hours.

On February 28th, an ICE official came to pick up the Petitioner from County Jail, however, he did not took the Petitioner under his custody, rather, he left the Petitioner on a holding cell and later was intervene by the Sheriffs and returned him to his previous cell. On the following morning, Petitioner was taken by Sheriffs officials to Immigration officials. The paperwork supporting the Petitioner's struggles with immigration were confiscated at the moment he arrived in Defuniak Detention center. After petitioners change of custody from Okaloosa county officials to ICE, Petitioner has been subject to multiple transfers, hes been through multiple detention facilities while on Removal Proceedings, Defuniak Detention Facility, Florida Soft Side South aka Alligator Alcatraz, Miami F.D.C., Krome Detention Center, and most recently to Golden State Annex in McFarland, California.

Petitioner's last transferred also interfered with his ongoing immigration proceedings, by removing Petitioner out of the jurisdiction of the South Florida District Courts on June 14th, days before his Master Hearing in front of judge Romy Lerner, scheduled for June 17th.

During his multiple transfers, petitioner has lost his paperwork necessary to ask for relief, and by moving him thousands of miles from home, Petitioner lost the ability to contact family member and/or an attorney.

The Respondent argues that The Petitioner did not exhausted his Remedies for Custody Re-determination, but fail to take into consideration the multiples attempts made by ICE official to disrupt Petitioner's access to a Neutral decision maker for Custody Redeterminations and obstructed the ongoing removal proceedings.

Grounds

Petitioner was subject to an unlawful over-detention under ICE Detainee Rule (48 hour rule). Petitioner completed his his sentence in Okaloosa county on February 11th, however County officials held him for 19 days before taking him to ICE on March 1st. See 8 S.F.R §287.7(d) where it states that a local law enforcement agency may hold an individual for a maximum of 48 hours to allow ICE to assume custody. Holding Petitioner for 19 days directly breaches this federal limit and constitute an unconstitutional and warrantless arrest by local authorities. See also *Galarza v. Szalcyk*, 745 F.3d 634

(3d Cir. 2014) confirming that ICE detainers are merely requests and local jails lack federal authority to hold individuals past their criminal release date without violating the Fourth Amendment. *See also* *Miranda Olivares v. Clackamas County*, No. 3:12-cv-02319 (D. Or. 2014), where it Keeping petitioner in custody solely on basis of detainer violates Fourth Amendment.

Respondent breached the Voluntary Departure Agreement. Petitioner signed his voluntary departure agreement on December 18th which was granted, nonetheless, ICE failed to execute Petitioner's Departure and instead placed him into restrictive removal proceedings. *See* 8 U.S.C § 1229c and 8 C.F.R. §1240.26, Voluntary departure is a binding statutory mechanism, When the Government grants Voluntary Departure, it creates an expectation of departure framework. Shifting an individual into adversarial removal proceedings after Petitioner consented to leave, can serve as a violation of procedural expectations.

Petitioner was subject to separation from legal records and severe violation of Due Process. During the first transfer, Petitioner's legal paperwork was separated from his persona, and during his sudden interstate transfer on June 14th, ICE lost the vital paperwork that Petitioner needed to file an appeal before the Board of Immigration Appeals (BIA). The Fifth Amendment of the U.S. Constitution guarantees Due Process of law to all persons within the United States. *See Singh v. Waters*, 87 F3d 346 (9th Cir. 1996). Ruled that the Government violates due process when its actions directly obstruct or interfere with an aliens ability to seek legal remedies.

Petitioner's recent out of state transfer caused him to miss his schedule Master Calendar Hearing on June 17th, stalling the entire removal proceedings. *See* 8 U.S.C. § 1229a(b)(1) "a noncitizen has a statutory right to be physically or virtually present at their removal hearing". Transferring a detainee across the country right before a hearing date sabotages this right. *See also Chiki v. INS*, 948 F2d 1091 (5th Cir. 1991). Held that a failure of notice or lack of opportunity to appear at an immigration proceeding is a core violation of the Fifth Amendment due process.

Petitioner was subject to a punitive, far flung, interstate transfers. He was aggressively transferred through a chaotic chain of facilities, Starting in Okaloosa County Jail to Defuniak County jail, to Florida Soft Side South (Alligator Alcatraz) to FDC Miami, to Krome immigration Center to finally Golden State Annex. Under the Fifth Amendment, civil detention cannot be used as a form of

punishment. Pattern transfer that intentionally isolate a detainee from their local jurisdiction, family, evidence and established venue are struck down as unconstitutional. *See Orantes-Hernandez v. Thornburg*, 919 F.2d 549 (9th Cir. 1990). affirmed that ICE cannot use long distance transfers to intentionally disrupt a detainee's access to local legal resources, advocates, or courts. Federal Court have strongly reasserted this protection. "Due process is not a game to keep away" heavily restricting ICE's power to transfer individuals out of state when it serves their access to counsel.

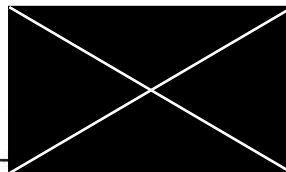
Conclusion

Petitioner's right had been violated since before his detention by immigration officials.

The combination of a pattern chain of transferred, transferring petitioner thousands of miles away from Miami, FL to McFarland, CA, losing Petitioner's documents, and forcing him to miss hearings, cutting off Petitioners ability to mount a legal defense or appeal are in violation of his rights.

For the reasons set forth above, Petitioner respectfully request that the Court grant the Writ of Habeas Corpus and the Temporary Restraining Order.

Dated: 7/21/2026



Henry Galvez Ramirez

Petitioner, *Pro se*