

ANTONY ESNILSSEN RAMOS
California City Immigration Processing Center
22844 Virginia Boulevard
California City, CA 93505
A# [REDACTED]
Petitioner, Pro Se

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

Antony Esnilssen Ramos
A-Number: [REDACTED]
Proceeding Pro Se,
Petitioner,
v.
_____, WARDEN, California City Correctional Center;
_____, FIELD OFFICE DIRECTOR, ICE Los Angeles
Field Office; TODD M. LYONS, Acting Director, United
States Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of Homeland
Security; TODD BLANCHE, Acting Attorney General,
United States,
Respondents.

Civil Action No.:
1:26-CV-5290 JLT EPG
PETITION FOR WRIT OF HABEAS
CORPUS

INTRODUCTION

1. Petitioner Antony Esnilssen Ramos, pro se, respectfully submits this Petition for a Writ of Habeas Corpus challenging his prolonged and unlawful detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner has been detained since June 3, 2026.
2. On June 30, 2026, an Immigration Judge ("IJ") refused to conduct a bond hearing, erroneously concluding that the Immigration Court lacked jurisdiction to consider his release. The IJ wrongly classified Petitioner as an "applicant for admission" subject to mandatory detention under the Immigration and Nationality Act ("INA") § 235(b)(2)(A). This categorical denial of a bond hearing violates Petitioner's right to due process under the Fifth Amendment of the U.S. Constitution.
3. Petitioner is not a danger to the community or a flight risk. Before his detention, he had

established a stable and productive life in Orem, Utah, where he resided with his wife, maintained consistent employment, filed tax returns, and complied with all immigration requirements. The IJ's alternative finding of flight risk was based solely on a single, non-violent, resolved misdemeanor offense and fails to satisfy the government's burden of proof.

4. Petitioner's continued detention is arbitrary, unconstitutional, and contrary to law. He seeks an order from this Court directing his immediate release or, in the alternative, a constitutionally adequate bond hearing where the government must prove by clear and convincing evidence that his detention is necessary.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241. The district courts have the authority to grant writs of habeas corpus for individuals held in custody within their respective jurisdictions. Petitioner is physically detained at the California City Immigration Processing Center, located in California City, California, which is within the Eastern District of California.
6. Venue is proper in the Eastern District of California under 28 U.S.C. § 2241(a) because Petitioner is physically confined within this judicial district. For core habeas petitions challenging present physical confinement, jurisdiction lies in the district of confinement. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). The Ninth Circuit has confirmed this rule applies to habeas petitions filed by immigration detainees. *See Doe v. Garland*, 109 F.4th 1188, 1199 (9th Cir. 2024); *see also Tobar v. Current or Acting Field Office Director*, No. 1:24-cv-00109, 2024 WL 1632360, at *1 (E.D. Cal. Apr. 15, 2024) ("Jurisdiction and venue are proper in this district because Petitioner is detained at the

Golden State Annex in McFarland, California, which is located in this judicial district.”).

7. The Ninth Circuit has confirmed that federal district courts retain habeas jurisdiction under 28 U.S.C. § 2241 to review bond hearing determinations for constitutional claims and legal error. *See Leonardo v. Crawford*, 646 F.3d 1157 (9th Cir. 2011).

PARTIES

8. **Petitioner ANTONY ESNILSSEN RAMOS** is a citizen of Venezuela, 

 He is currently detained at the California City Immigration Processing Center, located at 22844 Virginia Boulevard, California City, CA 93505, under the custody of ICE.

9. **Respondent MARKWAYNE MULLIN** is the Secretary of the U.S. Department of Homeland Security (“DHS”), sued in his official capacity. He has ultimate authority over all immigration matters.
10. **Respondent DAVID VENTURELLA** is the Acting Director of ICE, or his acting successor, sued in his official capacity. He is responsible for the oversight and administration of ICE, including the detention of noncitizens.
11. **Respondent FIELD OFFICE DIRECTOR** of the ICE Enforcement and Removal Operations (“ERO”) San Francisco Field Office is a legal custodian of Petitioner, sued in his or her official capacity.
12. **Respondent WARDEN or FACILITY ADMINISTRATOR** of the California City Immigration Processing Center is responsible for the day-to-day custody and confinement of Petitioner and is sued in his or her official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. Petitioner has exhausted his administrative remedies because any further administrative

appeal would be futile. On June 30, 2026, IJ Susan Phan denied Petitioner's request for a custody redetermination, holding that she lacked jurisdiction under the Board of Immigration Appeals' ("BIA") binding decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

14. Under *Matter of Yajure-Hurtado*, the BIA has predetermined the legal issue at hand and will not reverse the IJ's jurisdictional finding. Therefore, an administrative appeal to the BIA would be an exercise in futility. Federal courts excuse the exhaustion requirement when it would be futile or when the administrative body has predetermined the issue. *See Velasco Lopez v. Decker*, No. 19-CV-2342, 2019 WL 2135593, at *5 (S.D.N.Y. May 15, 2019) ("Failure to exhaust administrative remedies may be excused 'when such exhaustion would be futile or where the agency has predetermined the issue before it.'"); *see also Nolasco Rodriguez v. Decker*, No. 20-cv-4443, 2020 WL 3542287, at *4 (S.D.N.Y. June 30, 2020).

15. Additionally, the BIA lacks the authority to adjudicate Petitioner's constitutional claims. *Velasco Lopez*, 2019 WL 2135593, at *5 ("[T]he BIA has no authority address issues pertaining to the Constitution."). Petitioner has no adequate or available administrative remedy, and this Court is the only forum available to vindicate his constitutional right to be free from prolonged, arbitrary detention.

FACTUAL BACKGROUND

A. Immigration History and Compliance

16. Petitioner Antony Esnilssen Ramos is a 36-year-old citizen of Venezuela. He entered the United States in July 2022 and was assigned A-Number 

17. Since his arrival, Petitioner has sought lawful status in the United States. In or around

December 2022, he filed a Form I-589, Application for Asylum and for Withholding of Removal. USCIS records confirm his application and show that he attended a mandatory biometrics collection appointment at the USCIS Atlanta Application Support Center on May 22, 2023. He has also been granted Temporary Protected Status (TPS).

18. Petitioner has demonstrated a history of compliance with immigration authorities and has never attempted to evade the immigration system.

B. Life and Ties in the United States Before Detention

19. Prior to his current detention, Petitioner established a stable, documented, and verifiable life in Orem, Utah, where he has significant community ties.

20. **Residence:** Petitioner resided with his wife, Yulibel Del Valle Tovar Montero, at [REDACTED]
[REDACTED] This address is verified by bank statements, utility bills, a residential lease agreement, and an active auto insurance policy.

21. **Employment:** From July 2025 until his detention, Petitioner was gainfully employed as a production equipment operator at [REDACTED] in Lindon, Utah, [REDACTED] Paystubs from March and April 2026 show consistent full-time employment with substantial overtime hours, regular tax withholdings, and direct deposits into his bank account.

22. **Marriage and Family:** Petitioner is married to Yulibel Del Valle Tovar Montero. They share a home and life together, and his wife depends on him for emotional and financial support. Additionally, Petitioner has family support in the U.S., including his wife's nephew, Williams Alberto Sanchez Tovar, a U.S. citizen who is willing to serve as a sponsor for his release.

23. **Financial Stability:** Petitioner maintained active bank accounts, paid for auto insurance,

and was responsible for household utility bills. For the 2025 tax year, he and his wife filed a joint federal income tax return.

C. The State Criminal Matter

24. Petitioner has only one criminal conviction: a misdemeanor for impaired driving from the Orem Justice Court, Utah (Case No. .
25. The underlying incident occurred on April 6, 2026. Petitioner was stopped for a traffic violation. The stop was non-violent and did not involve an accident, injuries, or property damage. Petitioner fully cooperated with law enforcement.
26. On June 2, 2026, Petitioner pled guilty to an amended charge of Impaired Driving, a Class B Misdemeanor. A second charge for a signaling violation was dismissed with prejudice.
27. The court imposed a fully suspended 180-day jail sentence and 12 months of probation. The total fine of \$1,461.98 was paid in full on June 11, 2026. The criminal matter is fully resolved, save for the completion of classes, for which his criminal defense attorney sought an extension due to his ICE detention.

D. ICE Detention and Interstate Transfers

28. On June 2, 2026, the Utah criminal court ordered Petitioner's release. However, in the early morning hours of June 3, 2026, ICE agents took him into custody directly from the county jail.
29. Following his arrest, ICE transferred Petitioner across several states. He was first held in Utah, then moved to a facility in Arizona for approximately two nights, then briefly transferred through Texas, and finally arrived at the California City Immigration Processing Center, where he remains detained.
30. These transfers have separated Petitioner from his wife, his home, his employment, and his

entire support network in Utah, causing him significant prejudice.

E. The Immigration Custody Determination

31. On June 30, 2026, IJ Susan Phan denied Petitioner's request for a bond hearing.
32. The IJ's primary holding was that the court lacked jurisdiction to grant bond. She reasoned that because Petitioner was present without having been admitted, he is an "applicant for admission" under INA § 235(a)(1) and is therefore subject to mandatory detention under INA § 235(b)(2)(A), citing the BIA's decision in *Matter of Yajure-Hurtado*.
33. The IJ made an alternative finding that, even if she had jurisdiction, she would deny bond because Petitioner posed a flight risk. This conclusion was based almost exclusively on his recent impaired driving conviction. The IJ's order acknowledged that "there is no objective evidence in the record, such as police reports or arrest reports, detailing the facts and circumstances surrounding" the conviction.

F. Harm Caused by Continued Detention

34. Petitioner's prolonged detention has caused a significant deterioration in his physical and emotional health. He has lost a substantial amount of weight and suffers from chronic headaches, insomnia, anxiety, and profound sadness and desperation due to his separation from his wife and stable life.
35. Petitioner also suffers from serious dental issues, including several damaged molars that cause him increasing pain. He requires extractions and further dental treatment that is not being adequately provided in detention.

LEGAL ARGUMENTS

CLAIM ONE: PETITIONER'S CONTINUED DETENTION WITHOUT A MEANINGFUL BOND HEARING VIOLATES THE DUE PROCESS CLAUSE OF THE

FIFTH AMENDMENT

36. The IJ's refusal to conduct a bond hearing deprived Petitioner of his constitutional right to due process. The Ninth Circuit has long held that prolonged immigration detention without an individualized bond hearing before a neutral decision-maker is unconstitutional. *See Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008).
37. Courts within this district have repeatedly recognized that "[p]rolonged mandatory detention pending removal proceedings, without a bond hearing, will—at some point—violate the right to due process." (*HC*) *Gramajo Lopez v. Garland*, No. 1:22-cv-00940, 2022 WL 3101377, at *4 (E.D. Cal. Aug. 4, 2022).
38. A noncitizen is entitled to a bond hearing where the government bears the burden of proving by clear and convincing evidence that continued detention is necessary to prevent flight risk or a danger to the community. *See Arechiga v. Archambeault*, No. 2:23-cv-00332, 2023 WL 5163467, at *6 (D. Nev. Aug. 11, 2023). The IJ's refusal to exercise jurisdiction denied Petitioner this fundamental procedural safeguard, rendering his ongoing detention unconstitutional.

CLAIM TWO: THE IMMIGRATION JUDGE ERRED IN CONCLUDING PETITIONER IS SUBJECT TO MANDATORY DETENTION UNDER INA § 235(b)(2)(A)

39. The IJ's legal conclusion that Petitioner is subject to mandatory detention under INA § 235(b) is erroneous. That provision applies to aliens "seeking admission" at a port of entry. Petitioner, who entered in 2022, was released, lived in the interior of the United States for years, and has pending applications for relief, is not "seeking admission" in the manner contemplated by the statute. His detention is properly governed by INA § 236(a), which grants the authority to release on bond. *See Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005)

(holding that an arriving alien placed in § 240 removal proceedings is eligible for a custody hearing).

40. The IJ's reliance on *Matter of Yajure-Hurtado* is misplaced. The IJ failed to properly consider whether Petitioner, given his years of residence in the U.S. interior and pending applications for relief, could be considered an "applicant for admission" in the first place. Federal courts have held that interior arrests of individuals like Petitioner fall under INA § 236, making them eligible for bond. *See Maldonado v. Bostock*, No. 2:22-CV-1616, 2023 WL 5094206, at *4 (W.D. Wash. Aug. 8, 2023).

41. Furthermore, the IJ erred by stating she lacked jurisdiction because Petitioner was detained in the Eastern District of California. The BIA has held that rules governing the location for filing a bond motion are non-jurisdictional venue rules. *See Matter of Cerda Reyes*, 26 I&N Dec. 528 (BIA 2015).

CLAIM THREE: THE IMMIGRATION JUDGE'S ALTERNATIVE FINDING OF FLIGHT RISK IS LEGALLY INSUFFICIENT AND NOT SUPPORTED BY THE EVIDENCE

42. The IJ's alternative finding of flight risk is contrary to law and unsupported by the record.

In the Ninth Circuit, the government must prove by clear and convincing evidence that a noncitizen is a flight risk or danger to the community to justify the denial of bond. *Vijendra K. Singh v. Holder*, 638 F.3d 1196, 1205 (9th Cir. 2011).

43. The court in *Singh* held that "criminal history alone will not always be sufficient to justify denial of bond." *Id.* at 1206. Here, the IJ's finding rested almost entirely on Petitioner's single, non-violent, resolved misdemeanor conviction, for which she admittedly had no police reports or other objective evidence. This one conviction cannot constitute clear and

convincing evidence of flight risk, especially when weighed against the overwhelming evidence of Petitioner's deep ties to his community, including his stable marriage, long-term residence, consistent employment, compliance with tax laws, and family support system.

CLAIM FOUR: PROLONGED DETENTION IS UNLAWFUL UNDER ZADVYDAS V. DAVIS

44. Petitioner's continued detention is unlawful because his removal is not reasonably foreseeable. The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that the immigration statute does not authorize indefinite detention. Detention is limited to a period reasonably necessary to effectuate removal. While Petitioner does not yet have a final order of removal, the principles of *Zadvydas* and *Demore v. Kim*, 538 U.S. 510 (2003), prohibit detention that has become prolonged and unreasonable.

45. Petitioner has a bona fide asylum application and TPS. The adjudication of these claims will take a significant amount of time. Because his removal is not reasonably foreseeable, his continued detention is not authorized by statute and is unconstitutional. *See Tuan Thai v. Ashcroft*, 366 F.3d 790, 794 (9th Cir. 2004) (applying *Zadvydas* to forbid post-removal-period detention once removal is no longer reasonably foreseeable).

CLAIM FIVE: PETITIONER'S TRANSFERS AND DETENTION CONDITIONS HAVE CAUSED UNCONSTITUTIONAL HARM

46. Respondents' decision to transfer Petitioner across multiple states, far from his home and support network in Utah, has inflicted undue hardship and prejudice. This tactic frustrates access to family and evidence, thereby impeding his ability to contest his detention and pursue relief. A petitioner's transfer does not divest a court of jurisdiction. *See Angel*

Anariba v. Director Hudson County Correction, No. 20-3023, 2021 WL 6062758, at *1 (3d Cir. Dec. 22, 2021).

47. The physical and emotional harm Petitioner has suffered—including significant weight loss, insomnia, anxiety, and untreated dental pain—is a direct result of his prolonged and unjustified detention. These conditions of confinement underscore the urgency of his release and further demonstrate that his continued detention is constitutionally suspect.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Antony Esnilssen Ramos respectfully requests that this Honorable Court:

A. Assume jurisdiction over this habeas petition under 28 U.S.C. § 2241; B. Order Respondents to show cause why Petitioner's continued detention is lawful; C. Declare that Petitioner's continued detention without a meaningful opportunity for release violates due process; D. Order Petitioner's immediate release from custody under reasonable conditions of supervision; E. In the alternative, order Respondents to provide Petitioner with a constitutionally adequate custody hearing before a neutral decision-maker within fourteen (14) days, at which the Government shall bear the burden of proving by clear and convincing evidence that continued detention is necessary; F. Prohibit Respondents from transferring Petitioner outside the jurisdiction of this Court while this habeas petition is pending; and G. Grant any other and further relief as the Court deems just and proper.

Dated: July 7, 2026

Respectfully submitted,

/s/ Antony Esnilssen Ramos

Antony Esnilssen Ramos

A-Number: A



ANTONY ESNILSSEN RAMOS
California City Immigration Processing Center
22844 Virginia Boulevard
California City, CA 93505


Petitioner, Pro Se

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

Antony Esnilssen Ramos

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MARKWAYNE MULLIN, Secretary of Homeland
Security; TODD BLANCHE, Acting Attorney General,
United States,

Respondents.

Civil Action No.:

DECLARATION OF ANTONY
ESNILSSEN RAMOS IN SUPPORT OF
PETITION FOR WRIT OF HABEAS
CORPUS

I, Antony Esnilssen Ramos, A-Number , declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

My full name is Antony Esnilssen Ramos. I am a citizen of Venezuela. I was born on 

 I entered the United States in July 2022 through the border. Since my arrival in this country, I have tried to comply with my obligations and build a stable, honest, and productive life.

I have a pending immigration case, including an application for asylum, which was filed around December 2022. I also have had a process related to TPS. My immigration records also show a pending Form I-589, Application for Asylum and for Withholding of Removal, and I received a USCIS biometrics notice dated May 5, 2023, with a biometrics appointment scheduled for May 22, 2023.

Before I was detained by immigration, I lived in Orem, Utah, with my wife, Yulibel Del Valle

Tovar Montero, who is 39 years old. My wife and I have built our home and our relationship with love, respect, and mutual support. My wife depends on me emotionally, and I also depend on her. During our marriage, I have tried to be present for her, support her, accompany her through difficult moments, and share the responsibilities of our household. My absence has deeply affected her emotional well-being because this separation has caused her sadness, anxiety, worry, and uncertainty. My wish is to return to her, continue being her life partner, support her emotionally, and continue building our future together.

Before my detention, I was working steadily in Lindon, Utah, as an equipment operator and production machine operator. I worked at [REDACTED] and had been working there since approximately July 2025. My documents also show recent employment in Utah through [REDACTED] [REDACTED] in Lindon, Utah, with paystubs for weeks worked in March and April 2026. This shows that I had employment, income, and a stable routine before I was detained.

I have also complied with financial responsibilities in the United States. I have filed taxes, maintained bank accounts, had car insurance, and had a stable address. My documents show federal and state tax returns for 2023 and 2024, including reported income and tax payments. For example, in 2024, my records show wages of approximately [REDACTED] and federal tax withholding of approximately [REDACTED]. This shows that I was not hiding, that I was working, and that I was contributing as a responsible person.

On June 3, 2026, I was detained by ICE. Before that, I had been detained in connection with a traffic-related case for impaired driving. On June 2, 2026, I had a hearing in criminal court in Utah. After that hearing, I was granted release, but I was not allowed to leave. I was kept detained until the next day, June 3, 2026, when ICE came for me in the early morning hours. From that moment,

I remained in immigration custody.

After ICE took custody of me, I was transferred several times. First, I was in the Utah County Jail. Then ICE kept me for approximately one day in Utah. After that, I was taken to Arizona, where I stayed for approximately two nights. Then I was moved through Texas for a few hours, and finally I was transferred to California City Immigration Processing Center, located at 22844 Virginia Boulevard, where I remain detained. These transfers separated me completely from my wife, my home, my job, my documents, my community, and my support network in Utah.

Regarding the impaired driving case, I want to explain that it was not a violent case. The stop happened at night while I was going home with my wife. I was driving my car, I used my turn signal to change lanes, and a police officer who was behind us stopped me. There was no accident. No one was injured. There was no damage to any person or property. From the very beginning, I cooperated with the officers, followed their instructions, and provided the documents they requested, including my driver's license and vehicle insurance, which were in order.

I complied with the sentence imposed by the court in that case. While I was detained, I participated in classes or workshops. I also paid the fine that was imposed. My court documents show that the case was resolved, that the main charge was impaired driving, that the other traffic charge was dismissed with prejudice, and that the financial balance appears to have been paid in full.

Because I am currently detained by ICE, I have not been able to complete some remaining class hours, but my attorney has already requested an extension of time so that I can complete those classes once I am released. My intention is not to avoid any obligation. To the contrary, I want to fully comply with everything ordered by the state court, the immigration court, and any authority involved in my case.

On June 30, 2026, the Adelanto Immigration Court denied my request for custody redetermination.

The Immigration Judge stated that the court did not have jurisdiction to grant me bond because I was considered subject to mandatory detention as an “applicant for admission.” In the alternative, the Judge also stated that I was a flight risk because of the recent impaired driving case. The order states that the appeal is due by July 30, 2026.

I respectfully disagree with being considered dangerous or a flight risk. I have never intended to evade the authorities. I have always been willing to appear whenever required. I have a stable address in Utah, a wife, family, employment, documents proving my life in the United States, and people willing to support me. I have not committed acts of violence, I have not harmed anyone, and I do not represent a danger to the community.

I have family and community support in the United States. My wife lives in our home in Orem, Utah, and she is willing to receive me if I am released. Additionally, my wife’s nephew, Williams Alberto Sanchez Tovar, who is a United States citizen, is willing to serve as my sponsor if the Court requires it. I also have the support of my family, my wife, and my employer. I have a stable place to live and an opportunity to continue working while I face my immigration proceedings.

My detention has seriously affected my physical and emotional health. Since being detained, I have lost a significant amount of weight. I have suffered headaches, anxiety, stress, sadness, desperation, and insomnia. It is difficult for me to sleep and to remain calm. The uncertainty about my future, the time I have spent detained, and the separation from my wife and family have deeply affected me. At times, I feel that I am being treated like a criminal, even though I only want to comply with my responsibilities and continue my case in freedom.

I also have dental problems. Several of my teeth are damaged and have been causing increasing pain. I need treatment, including possible extractions. These health issues cause me pain and additional concern while I remain detained.

My continued detention has taken away my ability to work, maintain my household, support my wife, and care for my health. Before this situation, I was living an honest and stable working life. I was responsible with my job, my wife, my obligations, and my immigration process. Detention has caused me great physical and emotional harm, and it has also affected my wife and my family, who depend on my presence and support.

I respectfully request that my release be considered. I am willing to comply with any condition imposed on me. I am willing to attend all my hearings, report to ICE, wear electronic monitoring if necessary, live at the address ordered or approved, keep the authorities informed of any change of address, and comply with all obligations in my immigration case and any remaining obligation in state court.

I am not asking to avoid my immigration proceedings. I am asking for the opportunity to face those proceedings in freedom, with my wife, my family, and my community, without continuing to suffer the effects of detention. My intention is to continue fully cooperating with the authorities, comply with all court orders, and show that I can live in freedom under reasonable conditions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Antony Esnilssen Ramos

Antony Esnilssen Ramos

A-Number: A 