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Attorney for Petitioner

LUIS ENRIQUE RAMOS IZQUIERDO (A# 

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

LUIS ENRIQUE RAMOS IZQUIERDO

A# 

Petitioner,

v.

JEREMY CASEY, Facility Administrator,

Imperial Regional Detention Facility;

PATRICK DIVVER, Field Office Director,

U.S. Immigration and Customs

Enforcement, San Diego Field Office;

DAVID J. VENTURELLA, Acting

Director, U.S. Immigration and Customs

Enforcement; MARKWAYNE MULLIN,

Secretary, U.S. Department of Homeland

Security; and TODD BLANCHE, Acting

Attorney General of the United States,

Respondents.

) Case No.: **'26CV4138 CAB VET**

) EMERGENCY VERIFIED PETITION

) FOR WRIT OF HABEAS CORPUS

) PURSUANT TO 28 U.S.C. § 2241;

) DECLARATORY RELIEF

) IMMEDIATE RELEASE

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I. INTRODUCTION

1. Petitioner Luis Enrique Ramos Izquierdo (A# [REDACTED]) has been detained by U.S. Immigration and Customs Enforcement (“ICE”) for 123 days as of the date of this Petition, since his arrest by U.S. Border Patrol agents on March 16, 2026, in Cathedral City, California — an arrest conducted in the interior of the United States, in a grocery-store parking lot, as Mr. Ramos shopped with his wife and children. (Ex. C, Form I-213, Encounter Narrative.)

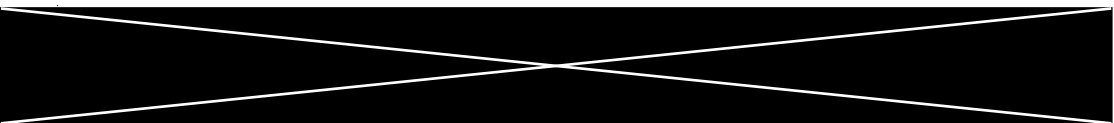
2. Mr. Ramos is the named U-2 derivative beneficiary — as the spouse of the principal petitioner, see 8 U.S.C. § 1101(a)(15)(U)(ii)(II) — of a Form I-918, Petition for U Nonimmigrant Status, filed by his wife, Julieta Robles Olmedo, as U-1 principal on January 13, 2026 — two months before his arrest — together with a concurrently filed Form I-192 waiver application (USCIS Receipt Nos. [REDACTED] and [REDACTED]). USCIS issued a biometrics appointment notice dated February 28, 2026, confirming active adjudication. (Ex. D.) ICE knew of the pending U visa petition at the moment of arrest: the arresting agency's own Form I-213 records that Mr. Ramos “has a pending U visa Application” flagged in DHS systems. (Ex. C.)

3. **Mr. Ramos is therefore a member** of the Pending Petition Class certified on May 20, 2026, in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS (C.D. Cal. May 20, 2026) (“ICWC”) (Ex. A), defined as “[a]ll individuals with pending principal or derivative U visa petitions . . . who ICE detains or seeks to detain for civil immigration enforcement.” In that Order, the district court stayed, pursuant to 5 U.S.C. § 705 and without geographic limitation, ICE Policy No. 11005.4 (the “2025 Guidance”), “including its rescission of prior policies” — thereby restoring, as

1 to class members like Mr. Ramos, the victim-centered enforcement framework of ICE
2 Policy Statement 10076.1 (2011) and ICE Directive 11005.3 (2021), under which ICE
3 was required to refrain from civil enforcement against pending U visa petitioners, to seek
4 expedited prima facie adjudication from USCIS, and to favor release from detention.

5 4. Notwithstanding the ICWC stay, Respondents continue to detain Mr. Ramos,
6 have made no request to USCIS for an expedited prima facie or bona fide determination
7 of the pending U petition, and have afforded him no individualized custody determination
8 consistent with 8 U.S.C. § 1226(a) and the Due Process Clause.

9 5. Mr. Ramos has resided continuously in the United States since November 15,
10 2015 — more than ten years. He is the husband of Julieta Robles Olmedo and the father
11 of four children identified as U.S. citizens on the government's own Form I-213 (Ex. C),
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13 
14
15 His application for Cancellation of Removal under INA § 240A(b)(1) (Form EOIR-42B)
16 is pending before the Imperial, California Immigration Court, where his individual merits
17 hearing is calendared for July 24, 2026 at 8:30 a.m. before Immigration Judge Joseph
18 Weiner. (Ex. E, EOIR Automated Case Information, retrieved July 17, 2026.) Counsel is
19 separately moving that court for a continuance under Matter of Sanchez Sosa, 25 I&N
20 Dec. 807 (BIA 2012); Petitioner asks nothing of this Court with respect to that hearing.
21 **Continued detention — and any removal or out-of-district transfer — would**
22 **irreparably harm the pending U visa adjudication, the pending cancellation**
23 **application, and the disabled U.S. citizen child who depends on him.**
24

25 6. Petitioner accordingly seeks: (1) a stay prohibiting Respondents from
26 removing Petitioner from the United States, or transferring him outside this District,
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1 pending resolution of this Petition and USCIS's adjudication of the pending U petition;
2 and (2) immediate release from custody.

3 II. CUSTODY STATUS

4 7. Petitioner is in the physical custody of Respondents at the Imperial Regional
5 Detention Facility, 1572 Gateway Road, Calexico, California 92231, within Imperial
6 County and therefore within the Southern District of California. 28 U.S.C. § 84(d). He
7 was arrested on March 16, 2026, processed at the Indio Border Patrol Station and the El
8 Centro Sector Centralized Processing Center, and served with Forms I-200 and I-862
9 (Notice to Appear). (Ex. C.) As of July 17, 2026, Petitioner has been detained for 123
10 days.
11

12 III. JURISDICTION AND VENUE

13 8. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241(a) and
14 (c)(3), which authorize the federal courts to grant writs of habeas corpus to persons held
15 in custody in violation of the Constitution or laws of the United States, and under 28
16 U.S.C. § 1331 and Article I, § 9, cl. 2 of the United States Constitution (the Suspension
17 Clause). See *Hernandez v. Sessions*, 872 F.3d 976, 987 (9th Cir. 2017). Petitioner
18 challenges the fact and conditions of his present detention and Respondents'
19 noncompliance with a federal court order — claims collateral to, and independent of, the
20 merits of his removal proceedings, and therefore not barred by 8 U.S.C. §§ 1252(a)(5),
21 (b)(9), or (g). See *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018); ICWC, slip op. at
22 23–27 (Ex. A).
23
24

25 9. Venue and jurisdiction lie in this District because Petitioner is physically
26 confined at the Imperial Regional Detention Facility in Calexico, Imperial County,
27 California, and his immediate physical custodian is located within this District. Under 28
28 U.S.C. § 2241(a), a district court may grant the writ only “within [its] respective

jurisdiction[]." For a core habeas challenge to present physical confinement, the only proper respondent is the immediate physical custodian, and jurisdiction lies in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 442–47 (2004). The Southern District of California comprises Imperial and San Diego Counties. 28 U.S.C. § 84(d). Venue is independently proper under 28 U.S.C. § 1391(e)(1).

IV. PARTIES

10. Petitioner Luis Enrique Ramos Izquierdo is a native and citizen of Mexico, born , who has resided continuously in the United States since November 15, 2015. He is detained at the Imperial Regional Detention Facility in Calexico, California, within this District.

11. Respondent Jeremy Casey is the Facility Administrator of the Imperial Regional Detention Facility, 1572 Gateway Road, Calexico, California 92231, and Petitioner's immediate custodian, sued in his official capacity.

12. Respondent Patrick Divver is the Field Office Director of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, San Diego Field Office, 880 Front Street, Suite 2242, San Diego, California 92101, with responsibility for Petitioner's detention, sued in his official capacity.

13. Respondent David J. Venturella is the Acting Director of U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, sued in his official capacity.

14. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security, 3801 Nebraska Ave. NW, Washington, DC 20016, sued in his official capacity.

1 15. Respondent Todd Blanche is the Acting Attorney General of the United
 2 States, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530,
 3 sued in his official capacity.

4 V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

5 16. No statute requires exhaustion of administrative remedies before a § 2241
 6 petition challenging immigration detention, and any prudential exhaustion is excused
 7 where it would be futile or where the administrative process cannot grant the relief
 8 sought. *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007). **Each additional day of**
 9 **unlawful detention is a distinct and irreparable injury that no administrative appeal**
 10 **can remedy.** Further, Petitioner's central claims — that Respondents are violating a
 11 federal district court's operative stay in ICWC and the Due Process Clause — are claims
 12 the immigration courts and the Board of Immigration Appeals are institutionally
 13 incapable of resolving in his favor. See *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th
 14 Cir. 2011).
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17 VI. FACTUAL BACKGROUND

18 A. Petitioner's Life, Family, and Community Ties

19 17. Petitioner has lived and worked continuously in the United States since
 20 November 15, 2015. He resides in Cathedral City, California, with his wife, Julieta
 21 Robles Olmedo, and their children. The Form I-213 prepared by the arresting agents itself
 22 identifies four children — [REDACTED] — each designated “US.”
 23 (Ex. C.) One minor son has been diagnosed with Autism Spectrum Disorder and [REDACTED]
 24

25 [REDACTED]
 26 [REDACTED]
 27 [REDACTED] Petitioner's detention has removed that caregiver
 28 from the household for four months.

B. The Arrest of March 16, 2026

18. On March 16, 2026, plain-clothes Border Patrol intelligence agents conducted static surveillance at Petitioner's home in Cathedral City, followed his vehicle to a Food-4-Less grocery store, and arrested him at approximately 8:45 p.m. as he returned to his car with his family, pursuant to an administrative Form I-200 warrant — not a judicial warrant. (Ex. C.) The arrest occurred in the interior of the United States, in Riverside County, more than a decade after Petitioner's last entry. At the scene, Petitioner's sole request was that agents give his car keys and wallet to his wife.

C. Charging and Removal Proceedings

19. DHS served a Notice to Appear dated March 17, 2026, and detained Petitioner. (Ex. B.) On April 9, 2026, DHS filed Form I-261, withdrawing the charge under INA § 237(a)(2)(E)(i); removability now rests on Petitioner's concession under INA § 212(a)(6)(A)(i) (presence without admission or parole). No charge under INA § 212(a)(2), § 237(a)(2)(A)(i)–(iii), (B), (C), or (D) is pending. Accordingly, no predicate for mandatory detention under 8 U.S.C. § 1226(c) exists on the operative charging documents. Petitioner's application for Cancellation of Removal under INA § 240A(b)(1) is pending before the Imperial Immigration Court, with an individual merits hearing calendared.

20. The Form I-213 discloses that Petitioner has prior expedited removal orders (2009, 2013) and reinstatements, the most recent dated November 3, 2015, and a criminal history that includes misdemeanor convictions under California Penal Code § 243(e)(1). DHS itself elected — with knowledge of that history and of the pending U petition — to place Petitioner in full INA § 240 removal proceedings by Notice to Appear rather than to reinstate any prior order, and later withdrew its sole crime-based charge. (Ex. C at Disposition; Ex. B.)

D. The Pending U Visa Petition — Known to ICE at Arrest

21. On January 13, 2026, Petitioner's wife filed Form I-918 as U-1 principal, naming Petitioner as U-2 derivative on Form I-918 Supplement A, with a concurrent Form I-192 waiver application (Receipt Nos. [REDACTED]). USCIS issued a biometrics notice on February 28, 2026. (Ex. D.) The arresting agents' own I-213 records both that DHS systems flagged the "pending U visa Application" and that "ERO and OPLA should make the decision to Proceed." (Ex. C.) Respondents thus detained Petitioner with actual knowledge that he was a pending U visa derivative petitioner.

E. The ICWC Order and Petitioner's Class Membership

22. On May 20, 2026, the United States District Court for the Central District of California certified three nationwide classes and granted preliminary relief in ICWC v. Noem. (Ex. A.) The Pending Petition Class comprises "[a]ll individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement." Petitioner — a detained derivative U visa petitioner — is squarely within that class.

23. The ICWC court stayed the 2025 Guidance "including its rescission of prior policies," in favor of, inter alia, "the members of all three Classes." (Ex. A, Order ¶ 1.) The effect of that stay is to restore, as to Petitioner, the 2011 Policy and 2021 Directive, under which: (a) absent special circumstances or aggravating factors, it was against ICE policy to pursue enforcement against known pending petitioners for victim-based benefits; (b) favorable discretion "such as release from detention" was generally appropriate; and (c) ICE was required to seek expedited prima facie adjudication from USCIS for persons in ICE custody. (Ex. A at 10–12.)

24. Since May 20, 2026, Respondents have taken no step to comply with the ICWC Order as to Petitioner: he remains detained; no expedited prima facie or bona fide determination request has been made to USCIS; and his pending U petition has been given no weight in any custody determination.

25. Petitioner acknowledges that the 2011 Policy's presumption yields to "special circumstances or aggravating factors." But the reinstated framework requires, at minimum, an individualized, victim-centered weighing in which the pending U petition is a positive factor and expedited USCIS adjudication is requested — none of which has occurred here. Under the stayed 2025 Guidance's approach, by contrast, Respondents treated the pending petition as legally irrelevant. That is precisely the conduct the ICWC court enjoined.

VII. LEGAL FRAMEWORK

A. Petitioner Is Detained Under 8 U.S.C. § 1226(a) and Is Entitled to an Individualized Custody Determination

26. Detention of a noncitizen arrested in the interior of the United States, pending § 240 removal proceedings and absent a qualifying criminal predicate, is governed by INA § 236(a), 8 U.S.C. § 1226(a) — not § 1225(b), which reaches applicants for admission at the border or ports of entry. *Jennings v. Rodriguez*, 583 U.S. 281, 293–94 (2018). Petitioner was arrested at a grocery store in Riverside County more than ten years after his last entry; DHS charged him by NTA into full § 240 proceedings; and the operative I-261 contains no § 1226(c) predicate. Section 1226(a) therefore governs, and Petitioner is entitled to an individualized determination of flight risk and danger. *Singh v. Holder*, 638 F.3d 1196, 1202–03 (9th Cir. 2011).

B. The ICWC Stay Binds Respondents and Restores the Victim-Centered Framework

27. An agency must follow its own operative policies and procedures where individual rights are affected. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Alcaraz v. INS*, 384 F.3d 1150, 1162 (9th Cir. 2004). Following the ICWC § 705 stay, the operative ICE policies applicable to Petitioner are the 2011 Policy and the 2021 Directive. Respondents' continued detention of Petitioner under the stayed 2025 Guidance — without the individualized victim-centered assessment, without an expedited prima facie request to USCIS, and without weighing the pending petition as a positive factor — violates both the district court's order and the *Accardi* doctrine, and renders the detention contrary to law.

C. No Deference Is Owed to Contrary Administrative Interpretations

28. Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), this Court exercises independent judgment on the statutory questions presented and owes no deference to agency interpretations, including *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), to the extent Respondents invoke it to deny an individualized custody determination

VIII. CLAIMS FOR RELIEF

COUNT ONE — Fifth Amendment: Prolonged Detention Without an Adequate Individualized Custody Determination

29. Petitioner realleges and incorporates all preceding paragraphs.

30. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause, which applies to all persons within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001). Petitioner has been detained for 123 days under § 1226(a) without a constitutionally adequate, individualized determination — with the

1 government bearing its burden — that he presents a flight risk or danger that no condition
2 of release could mitigate. Singh, 638 F.3d at 1203–04; Hernandez, 872 F.3d at 990–93
3 (consideration of alternatives to detention required). His continued detention violates the
4 Fifth Amendment.

5 **COUNT TWO — Detention in Violation of the ICWC Preliminary Relief Order, the**
6 **Reinstated ICE Directives, and the Accardi Doctrine**

7 31. Petitioner realleges and incorporates all preceding paragraphs.

8 32. Petitioner is a member of the ICWC Pending Petition Class. The May 20,
9 2026 Order stays the 2025 Guidance and its rescission of the 2011 Policy and 2021
10 Directive as to class members nationwide. Respondents' continued civil enforcement
11 custody of Petitioner — without the victim-centered process those reinstated directives
12 require, and without any request to USCIS for expedited prima facie adjudication —
13 violates the ICWC Order, the reinstated directives, and the Accardi doctrine, and is
14 therefore custody “in violation of the Constitution or laws . . . of the United States.” 28
15 U.S.C. § 2241(c)(3).
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17 **COUNT THREE — Detention Contrary to the INA: 8 U.S.C. § 1226(a) Governs**

18 33. Petitioner realleges and incorporates all preceding paragraphs.

19 34. To the extent Respondents purport to detain Petitioner under any authority
20 other than 8 U.S.C. § 1226(a) — including 8 U.S.C. § 1225(b) or any reinstatement-based
21 theory inconsistent with the NTA and I-261 by which DHS elected to proceed — such
22 detention is contrary to the plain text of the INA and Jennings v. Rodriguez, and exceeds
23 statutory authority. Petitioner is entitled to the custody procedures of § 1226(a), including
24 an individualized bond determination.
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IX. REQUEST FOR STAY OF REMOVAL AND TRANSFER

35. Petitioner has no final order of removal entered in his pending § 240 proceedings; however, the I-213 reflects prior expedited removal orders and reinstatements, creating a concrete risk that Respondents could attempt summary removal or an out-of-district transfer that would moot this Petition, sever Petitioner from counsel and from the Imperial Immigration Court, 2409 La Brucherie Road, Imperial, California 92251, where his merits hearing is calendared for July 24, 2026 (Ex. E), and destroy the U visa adjudication Congress designed to protect crime-victim families. The ICWC record documents precisely such removals of pending petitioners executed in days. (Ex. A at 15–19, 43.)

36. To preserve this Court's jurisdiction and the status quo, and consistent with the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent authority, Petitioner requests an order staying and enjoining Respondents, pending final adjudication of this Petition and USCIS's adjudication of Receipt Nos. [REDACTED] from (a) removing Petitioner from the United States by any mechanism, including reinstatement of any prior order, and (b) transferring Petitioner outside the Southern District of California. Such relief runs to “an individual alien against whom proceedings . . . have been initiated” and is therefore expressly permitted by 8 U.S.C. § 1252(f)(1).

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

37. ISSUE an immediate order staying and enjoining Respondents from removing Petitioner from the United States or transferring him outside the Southern District of California pending resolution of this Petition and USCIS's adjudication of the pending U visa petition;

1 38. DECLARE that Petitioner's detention violates the preliminary relief order in
2 ICWC v. Noem, 8 U.S.C. § 1226(a), and the Due Process Clause of the Fifth
3 Amendment;

4 39. ISSUE a Writ of Habeas Corpus ordering Respondents to immediately
5 release Petitioner from custody, on reasonable conditions of supervision if appropriate;

6 40. ORDER Respondents to comply with the ICWC Order as to Petitioner,
7 including by promptly requesting from USCIS an expedited prima facie / bona fide
8 determination of the pending U petition and reporting the result to this Court; and
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10 41. GRANT such other and further relief as this Court deems just and proper.

11
12 Respectfully submitted,

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14 DATED: July 17, 2026

15
16 *Christopher J. DeSalva*
17 _____

18 Christopher J. DeSalva, PhD, JD, MBA (SBN 172209)

19 Law Office of Christopher Joseph Desalva

20 Attorney for Petitioner Luis Enrique Ramos Izquierdo
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VERIFICATION

I, Christopher J. DeSalva, am the attorney for Petitioner Luis Enrique Ramos Izquierdo in this action. Petitioner is detained in the custody of U.S. Immigration and Customs Enforcement at the Imperial Regional Detention Facility, Calexico, California, and his signature could not reasonably be obtained prior to filing. I therefore make this verification on Petitioner's behalf pursuant to 28 U.S.C. § 2242, which provides that a petition for writ of habeas corpus may be signed and verified "by someone acting in his behalf."

I have read the foregoing Verified Petition for Writ of Habeas Corpus and know its contents. The facts stated therein are true and correct to the best of my knowledge, information, and belief, based upon my review of the records of this case, documents obtained from the Department of Homeland Security and the Executive Office for Immigration Review, and my communications with Petitioner and his family.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 17, 2026, at Indio, California.

Christopher J. DeSalva

Christopher J. DeSalva, PhD, JD, MBA (SBN 172209)

Attorney for Petitioner Luis Enrique Ramos Izquierdo

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2026, I caused the foregoing VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241, together with the Index of Exhibits, all exhibits, and all documents filed concurrently therewith, to be electronically filed with the Clerk of the Court for the United States District Court, Southern District of California, using the Court's CM/ECF system. Pursuant to Civil Local Rule 5.4 and Fed. R. Civ. P. 5(b)(2)(E), the Notice of Electronic Filing generated by CM/ECF constitutes service of the filed documents upon all counsel of record who are registered CM/ECF users.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: July 17, 2026

Victor Viruena

Dr. Victor Viruena
73-350 El Paseo Dr., Suite 204
Palm Desert, CA 92260

INDEX OF EXHIBITS

Exhibit	Description	Cited in Petition
A	Order Granting Class Certification and Preliminary Injunction, ICWC v. Noem, No. 2:25-cv-09848-AB-AS (C.D. Cal. May 20, 2026), Dkt. 57	¶¶ 3, 8, 22–25, 32, 35
B	Notice to Appear (Mar. 17, 2026) and Form I-261 Additional Charges (Apr. 9, 2026)	¶¶ 19–20
C	Form I-213, Record of Deportable/Inadmissible Alien, with Continuation Pages (Mar. 17, 2026)	¶¶ 1–2, 5, 7, 17–18, 20–21, 35
D	Form I-918 Supplement A (filed Jan. 13, 2026); USCIS Receipt evidence, Receipt Nos. [REDACTED]; USCIS biometrics notice (Feb. 28, 2026)	¶¶ 2, 21
E	EOIR Automated Case Information (ACIS) record for RAMOS IZQUIERDO, Luis Enrique, A# [REDACTED] — docket date 3/19/2026; individual hearing calendared July 24, 2026, 8:30 a.m., internet-based, before IJ Joseph Weiner; Imperial Immigration Court, 2409 La Brucherie Road, Imperial, CA 92251 (retrieved July 17, 2026)	¶¶ 5, 35