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Attorneys for Petitioner Lidia Hernandez Ancelmo

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

LIDIA HERNANDEZ ANCELMO,

Petitioner,

v.

POLLY KAISER, Acting San Francisco
Field Office Director, Enforcement
and Removal Operations, United States
Immigration and Customs Enforcement
(ICE); CHRISTOPHER CHESTNUT,
Warden, California City Correctional
Facility; MARKWAYNE MULLIN,
Secretary, United States Department of
Homeland Security; TODD BLANCHE,
Attorney General of the United States;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW,

Respondents.

No. 1:26-at-02855

**PETITION FOR WRIT OF HABEAS
CORPUS**

* Application for Pro Hac Vice Admission Forthcoming

EXHIBIT LIST

A. Petitioner's Medical Records While In Detention

B. Affidavit of Husband

C. ICE Detainee Locator

I. INTRODUCTION

Petitioner Lidia Hernandez Ancelmo (“Petitioner”) is a civil immigration detainee currently incarcerated by U.S. Immigration and Customs Enforcement (“ICE”) currently detained at the California City Processing Center aka California City Correctional Facility in California City, California. She brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (2018) to remedy a severe, life-threatening deprivation of her liberty and constitutional rights. For the duration of her detention, Respondents have exhibited deliberate indifference to Petitioner's acute medical needs by failing and refusing to provide her with necessary, prescribed cancer medication. Because Respondents are structurally unable or subjectively unwilling to provide essential oncology treatment, her continued detention under these unconstitutional conditions is unlawful, and immediate release from custody is the only effective remedy.

Under the Due Process Clause of the Fifth Amendment civil immigration detainees are guaranteed constitutionally adequate medical care and freedom from conditions that amount to punishment. The denial of necessary medication for a serious, life-threatening condition like active cancer serves no legitimate, nonpunitive governmental purpose. By forcing Petitioner to remain detained while completely cut off from life-sustaining cancer care, Respondents have created an objectively unreasonable risk of severe physical injury, wanton pain, and death.

While the traditional function of a habeas petition is to challenge the legality of executive custody, the Supreme Court and courts within the Ninth Circuit recognize that a district court may exercise habeas jurisdiction over an immigration detainee's claims where continued detention under unconstitutional conditions renders the confinement itself unlawful. *See Ziglar v. Abbasi*, 137 S. Ct. 1843, 1862–63 (2017); *Gutierrez-Lopez v. Figueroa*, 462 F. Supp. 3d 973, 982–83 (D. Ariz. 2020). Because no set of conditions at the California City Processing Center can be considered constitutional while Petitioner is denied oncology treatment, this Court has the

1 authority to grant the writ and order her release. *See Gutierrez-Lopez*, 462 F. Supp. 3d at 989.

2 Petitioner has no effective administrative avenue to alleviate this medical emergency.
3 Petitioner urgently invokes this Court's baseline habeas jurisdiction under 28 U.S.C. § 2241 to
4 declare her continued detention unconstitutional, order her immediate release from custody so she
5 can resume cancer treatment.
6

7 II. FACTS

8 Petitioner, Lidia HERNANDEZ ANCELMO, was apprehended by officers of Immigration
9 and Customs Enforcement (“ICE”) on February 04, 2026, following an interior enforcement
10 action in West Valley City, Utah. Respondent was apprehended by ICE officers at her home.
11 After ICE officers identified Respondent and determined that she lacked lawful immigration
12 status, Respondent was taken into ICE custody.
13

14 Following her arrest, Respondent was transferred to the Adelanto Detention Facility in
15 Adelanto, California, where she remains detained.

16 On October 12, 2022, the Department of Homeland Security (“DHS”) issued a Notice to
17 Appear (“NTA”), Form I-862, placing Respondent in removal proceedings pursuant to INA §
18 240. DHS charged Respondent as removable under 212(a)(7)(A)(i)(I). The NTA alleges, in
19 relevant part, that:
20

- 21 1. Respondent is not a citizen or national of the United States;
- 22 2. Respondent is a of Mexico and a citizen of Mexico;
- 23 3. Respondent on or about October 12, 2022, you applied for admission to the United States,
24 from Mexico, at the Brownsville, Texas Fort of Entry
- 25 4. Respondent is an immigrant not in possession of a valid unexpired immigrant visa, reentry
26 permit, border crossing.
27

28 As a result of these allegations, Respondent is being charged as removable pursuant to

1 Section 212(a)(7)(A)(i)(I) of the INA.

2 Respondent was ordered removed after an individual hearing on July 10, 2026 but has
3 timely filed an appeal of this decision.

4
5 Petitioner has remained detained since her initial arrest on February 4th, 2026.

6 Petitioner's continued detention poses a severe and ongoing threat to her health due to the
7 facility's failure to provide adequate medical care. At the time of her initial detention, Petitioner
8 informed arresting officers of a cancer diagnosis and her need for regular medication, but was
9 told nothing could be done. After being transferred multiple times, Petitioner arrived at the
10 California City Processing Center, where her health rapidly deteriorated. Petitioner also informed
11 staff at the processing center of her medical needs. Facility medical records confirm her history of
12 pancreatic cancer. **[Exhibit A: Petitioner's Medical Records While In Detention]**

13
14 Petitioner's husband, Victorino Garcia Ginez, has corroborated this dire medical situation.
15 During court proceedings, he testified that Petitioner's pancreatic cancer, though currently in
16 remission, still requires ongoing treatment and regular medication to maintain that remission.
17 Petitioner's husband has attempted to coordinate with the facility to get her this required
18 medication while she has been detained but was unsuccessful. **[Exhibit B: Affidavit of**
19 **Husband]**
20

21 Without access to these vital medications, Petitioner has suffered from severe medical
22 emergencies while detained. Medical records confirm an abnormal EKG indicating an inferior
23 myocardial infarction, dizzy spells, fainting, and extreme chest pain where she reported, "I can't
24 breathe & feel pulsations in my chest". She has also experienced severe, non-stop uterine
25 bleeding. Medical logs document her desperate pleas for care, noting statements such as, "I need
26 my medication for blood pressure, as my condition persists: I truly need it urgently," and her
27 reports of bleeding heavily and "soaking through her pads" because she was not receiving her
28

1 prescribed medication. The facility simply does not have the proper medical treatments available
2 to manage her escalating heart, blood pressure, and cancer-related health issues, rendering her
3 continued detention not only unlawful but medically dangerous.[**Exhibit A: Petitioner's Medical**
4 **Records While In Detention**]

6 III. JURISDICTION OF FEDERAL COURT

7 This Court possesses subject-matter jurisdiction over this Petition for a Writ of Habeas
8 Corpus pursuant to 28 U.S.C. § 2241 (2018), which grants federal district courts the power to
9 issue writs of habeas corpus to individuals held in custody by the United States in violation of the
10 Constitution or laws of the United States.

11 This Court further maintains subject-matter jurisdiction over Petitioner's claims for
12 emergency injunctive and declaratory relief under U.S. Const. amend. V, which provides an
13 equitable cause of action directly under the Constitution to restrain federal officials from
14 committing ongoing violations of due process. Jurisdiction over these constitutional claims is also
15 properly invoked pursuant to 28 U.S.C. § 1331 (2018), which establishes federal question
16 jurisdiction over civil actions arising under the Constitution or laws of the United States.

17 The jurisdiction-stripping provisions of the Immigration and Nationality Act, specifically
18 8 U.S.C. § 1252(g) (2018) and 8 U.S.C. § 1252(b)(9) (2018), do not bar judicial review of this
19 action. Supreme Court precedent explicitly cautions against expansive statutory interpretations
20 that would insulate prolonged executive detention from judicial oversight. *See Jennings v.*
21 *Rodriguez*, 583 U.S. 281, 294 (2018).

22 Because Petitioner challenges the legal authority and constitutional validity of her
23 continued detention—rather than the executive's discrete decisions to commence proceedings,
24 adjudicate her case, or execute a final removal order—her claims are sufficiently independent of
25 the merits of any underlying immigration proceedings to remain fully reviewable under 28 U.S.C.
26
27
28

1 § 2241 (2018).

2 Federal courts within the Ninth Circuit have repeatedly confirmed that neither 8 U.S.C. §
3 1252 (2018) nor 8 U.S.C. § 1226(e) (2018) divests a district court of habeas jurisdiction to review
4 the lawfulness of immigration detention on constitutional grounds. *See Rash v. Larose*, 823 F.
5 Supp. 3d 1174, 1177–78 (S.D. Cal. 2026) (holding that § 1252(g) does not prohibit challenges to
6 unlawful detention practices during ongoing removal proceedings); *Rios v. United States Dep't of*
7 *Homeland Sec.*, 808 F. Supp. 3d 1145, 1148–49 (S.D. Cal. 2025) (affirming that district courts
8 retain baseline habeas jurisdiction to consider due process errors of law in immigration custody);
9 *Rico-Tapia v. Smith*, 806 F. Supp. 3d 1166, 1175–76 (D. Haw. 2025) (concluding that a challenge
10 to detention without a bond hearing falls squarely within the court's core habeas authority);
11 *Gutierrez-Lopez v. Figueroa*, 462 F. Supp. 3d 973, 982–83 (D. Ariz. 2020) (holding that claims
12 asserting that continued detention under unconstitutional conditions is illegal are fully cognizable
13 under § 2241).

14 IV. VENUE

15 Venue is also properly in this Court pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426, 434–
16 35 (2004). The Eastern District therefore has territorial jurisdiction to adjudicate Petitioner's
17 challenge to his immigration detention. *See Armentero v. INS*, 340 F.3d 1058, 1061–62 (9th Cir.
18 2003) (recognizing that immigration habeas petitions must be filed where the petitioner is
19 physically confined), vacated on other grounds, 382 F.3d 1153 (9th Cir. 2004). Because no other
20 district has jurisdiction over the custodian responsible for Petitioner's confinement, the venue is
21 proper and exclusive in this Court.

22 V. REQUIREMENTS OF 28 U.S.C. § 2243

23 The Court must grant the petition for writ of habeas corpus or order Respondents
24 to show cause “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order
25

1 to show cause is issued, the Respondents must file a return “within three days unless for good
2 cause, additional time, not exceeding twenty days, is allowed.” *Id.* 32.

3 Habeas corpus is “perhaps the most important writ known to the constitutional
4 law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
6 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
7 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
8 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

10 VI. PARTIES

11 Petitioner, Lidia Hernandez Ancelmo is a citizen of Mexico and was apprehended by
12 officers of Immigration and Customs Enforcement (“ICE”) on February 04, 2026, following an
13 interior enforcement action in West Valley City, Utah. Respondent was apprehended by ICE
14 officers at her home. After ICE officers identified Respondent and determined that she lacked
15 lawful immigration status.

17 Petitioner was taken into custody and transferred to the California City Processing Center
18 aka California City Correctional Facility, where she has remained detained. ICE did not set bond
19 and indicated that he was under mandatory detention and ineligible for bond. Petitioner, through
20 counsel, requested review of his custody by an IJ. On December 04, 2025, IJ Katie Mullins, at the
21 Adelanto Immigration Court ruled not to have jurisdiction over bond. DHS reserved their appeal
22 over the order. Petitioner has resided in the United States since 2014.

24 Respondent Polly Kaiser is the Acting Director of the San Francisco Field Office of
25 ICE’s Enforcement and Removal Operations division. As such, Ms. Kaisert is Petitioner’s
26 immediate custodian and is responsible for Petitioner’s detention and removal. She is named in
27 his official capacity.
28

1 Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security.
2 He is responsible for the implementation and enforcement of the Immigration and Nationality Act
3 (INA) and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate
4 custodial authority over Petitioner and is sued in his official capacity.
5

6 Respondent Department of Homeland Security (DHS) is the federal agency responsible
7 for implementing and enforcing the INA, including the detention and removal of noncitizens.

8 Respondent Todd Blanche is the Attorney General of the United States. He is responsible
9 for the Department of Justice, of which the Executive Office for Immigration Review and the
10 immigration court system it operates is a component agency. He is sued in her official capacity.
11

12 Respondent Executive Office for Immigration Review (EOIR) is the federal agency
13 responsible for implementing and enforcing the INA in removal proceedings, including for
14 custody redeterminations in bond hearings and appeals thereof.

15 Respondent Christopher Chestnut is employed by CoreCivic- as Warden of the California
16 City Processing Center aka California City Correctional Facility, where Petitioners are detained.
17 He has immediate physical custody of Petitioner. He is sued in his official capacity.
18

19 VII. LEGAL FRAMEWORK

20 The Due Process Clause of the Fifth Amendment protects individuals against arbitrary and
21 unreasonable government actions, establishing that no person shall be "deprived of life, liberty, or
22 property, without due process of law." U.S. Const. amend. V. These substantive and procedural
23 protections extend to all persons within the territorial jurisdiction of the United States, including
24 non-citizens, regardless of whether their presence in the country is lawful or unlawful. *See*
25 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

26 Freedom from physical restraint sits at the absolute core of the liberty interest protected by
27 the Due Process Clause. *See Youngberg v. Romeo*, 457 U.S. 307, 316 (1982). Because an
28

1 immigration detainee is held under civil, non-punitive administrative authority rather than a
2 criminal sentence, the government deprives the detainee of substantive liberty without due
3 process of law when it subjects them to conditions of confinement that “amount to punishment.”
4 *Bell v. Wolfish*, 441 U.S. 520, 535 (1979); see also *Gutierrez-Lopez v. Figueroa*, 462 F. Supp. 3d
5 973, 984–85 (D. Ariz. 2020). Government action or inaction in a civil facility lacks a legitimate,
6 non-punitive purpose and amounts to unconstitutional punishment if it is “objectively
7 unreasonable.” *Kingsley v. Hendrickson*, 576 U.S. 389, 398 (2015); see also *Gutierrez-Lopez*, 462
8 F. Supp. 3d at 985.

10 When the government takes an individual into civil custody and operational control, it
11 assumes a corresponding constitutional duty to provide for that individual’s basic human needs,
12 including reasonable safety and adequate medical care. See *DeShaney v. Winnebago Cnty. Dep’t*
13 *of Soc. Servs.*, 489 U.S. 189, 200 (1989); *Gutierrez-Lopez*, 462 F. Supp. 3d at 985. Under the
14 governing standards of the Ninth Circuit, civil detention conditions that pose an objectively
15 unreasonable and substantial risk of serious harm to a detainee’s health—such as the systemic
16 denial of life-sustaining medical treatment—serve no legitimate penological or administrative
17 purpose and violate the Due Process Clause. See *Conn v. City of Reno*, 591 F.3d 1081, 1094–95
18 (9th Cir. 2010); *Gutierrez-Lopez*, 462 F. Supp. 3d at 985.

21 To establish a constitutional due process violation predicated upon the denial of necessary
22 medical treatment, a civil detainee must satisfy the objective deliberate indifference standard,
23 demonstrating that: The individual suffered from an objectively “serious medical need,” such that
24 a failure to treat the condition could result in further significant injury or the unnecessary and
25 wanton infliction of pain; The detention officials made an intentional decision with respect to the
26 conditions of confinement under which the individual was held; The officials failed to take
27 reasonable, necessary, and available measures to abate an excessive, high degree of risk that
28

1 would be obvious to a reasonable official under the circumstances, making the conduct
2 objectively unreasonable; and By failing to implement such measures, the officials caused the
3 individual's injuries or exposed them to a substantial risk of serious harm. *See Conn*, 591 F.3d at
4 1095–96; *Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018); *Gutierrez-Lopez*,
5 462 F. Supp. 3d at 985–86. A life-threatening illness, such as active cancer requiring specialized
6 oncology medication, unequivocally constitutes a serious medical need under this standard.
7

8 While the traditional essence of a writ of habeas corpus is an attack upon the legality of
9 physical custody to secure release, the United States Supreme Court has explicitly left open the
10 question of whether civil detainees may utilize a habeas petition to challenge unlawful conditions
11 of confinement. *See Ziglar v. Abbasi*, 137 S. Ct. 1843, 1862–63 (2017); *Boumediene v. Bush*, 553
12 U.S. 723, 792 (2008); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).
13

14 In the absence of binding statutory or judicial authority foreclosing the writ to civil non-
15 citizens, federal courts within the Ninth Circuit recognize that a district court maintains baseline
16 jurisdiction under 28 U.S.C. § 2241 (2018) to evaluate conditions-of-confinement claims. Where
17 a petitioner alleges that severe, unconstitutional conditions—such as deliberate indifference to a
18 life-threatening medical emergency—render their continued custody unlawful, and maintains that
19 immediate release from the facility is the only effective remedy to abate that constitutional
20 violation, the claim challenges the fact of confinement itself and is fully cognizable in a habeas
21 proceeding. *See Gutierrez-Lopez*, 462 F. Supp. 3d at 982–83.
22

23 **VIII. CLAIMS FOR RELIEF**

24 **COUNT I- Violation of Fifth Amendment Right to Substantive Due Process (Conditions of** 25 **Confinement and Inadequate Medical Care)** 26

27 Petitioner incorporates and realleges the allegations contained in the preceding paragraphs
28 as if fully set forth herein.

1 The Due Process Clause of the Fifth Amendment protects individuals against arbitrary and
2 unreasonable government actions, establishing that no person shall be “deprived of life, liberty, or
3 property, without due process of law.” U.S. Const. amend. V. These substantive protections
4 extend to all persons within the territorial jurisdiction of the United States, including non-citizens.
5
6 *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

7 Freedom from physical restraint sits at the absolute core of the liberty interest protected by
8 the Due Process Clause. *See Youngberg v. Romeo*, 457 U.S. 307, 316 (1982). Because an
9 immigration detainee is held under civil, non-punitive administrative authority rather than a
10 criminal sentence, the government deprives the detainee of substantive liberty without due
11 process of law when it subjects them to conditions of confinement that “amount to punishment.”
12 *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Government inaction in a civil facility lacks a
13 legitimate, non-punitive purpose and amounts to unconstitutional punishment if it is “objectively
14 unreasonable.” *Kingsley v. Hendrickson*, 576 U.S. 389, 398 (2015).

16 When the government takes an individual into civil custody, it assumes a corresponding
17 constitutional duty to provide for that individual’s basic human needs, including adequate medical
18 care. *See DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 200 (1989). A civil
19 detainee establishes a constitutional due process violation predicated upon the denial of necessary
20 medical treatment by satisfying the objective deliberate indifference standard. *Gordon v. Cnty. of*
21 *Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

23 First, Petitioner suffers from an objectively “serious medical need,” such that a failure to
24 treat her conditions has resulted in further significant injury and the unnecessary and wanton
25 infliction of pain. *See Conn v. City of Reno*, 591 F.3d 1081, 1095 (9th Cir. 2010). Petitioner has a
26 history of pancreatic cancer that requires ongoing medication to remain in remission, severe
27 hypertension, and abnormal uterine bleeding. A life-threatening illness, such as cancer requiring
28

1 specialized medication, unequivocally constitutes a serious medical need under this standard.

2 Second, detention officials made an intentional decision with respect to Petitioner's
3 conditions of confinement and failed to take reasonable, necessary, and available measures to
4 abate an excessive, high degree of risk to her health. *See Gordon*, 888 F.3d at 1125. Upon her
5 arrest by ICE officials as well as her arrival at the California City Processing Center, Petitioner
6 explicitly informed medical staff and Ice officers of her cancer history yet was left entirely
7 without her prescribed, life-sustaining treatments. Furthermore, her husband testified in court that
8 his wife has cancer, was on medication, he has unsuccessfully attempted to coordinate with the
9 facility to get her this required medication while she has been detained.
10

11 Deprived of her necessary medications, Petitioner's health has rapidly deteriorated while
12 in Respondents' custody. Facility medical records confirm she has suffered an abnormal EKG
13 indicating an inferior myocardial infarction, extreme chest pain, dizzy spells, fainting, and severe,
14 non-stop uterine bleeding. During a medical emergency, she reported to staff, "I can't breathe &
15 feel pulsations in my chest". Despite her desperate pleas for her medication and reports of
16 bleeding heavily and "soaking through her pads," the facility has failed to provide the necessary
17 medical interventions to manage her conditions. **[Exhibit A: Petitioner's Medical Records**
18 **While In Detention]**
19

20 Third, by failing to implement such measures and actively depriving her of her
21 medications, Respondents caused Petitioner severe injury and exposed her to a substantial risk of
22 serious harm. *See Conn*, 591 F.3d at 1096. Deprived of her treatments, Petitioner suffered a
23 myocardial infarction, as confirmed by an abnormal EKG, along with dizzy spells, fainting, and
24 extreme chest pain, reporting to medical staff: "I can't breathe & feel pulsations in my chest". She
25 also suffered severe, non-stop uterine bleeding, desperately pleading for her blood medication and
26 reporting she was "soaking through her pads".
27
28

1 Respondents' systemic denial of life-sustaining medical treatment serves no legitimate
2 penological or administrative purpose, is "objectively unreasonable," and therefore amounts to
3 unconstitutional punishment. *Kingsley*, 576 U.S. at 398.

4
5 Federal courts maintain baseline jurisdiction under 28 U.S.C. § 2241 to evaluate
6 conditions-of-confinement claims where a petitioner alleges that severe, unconstitutional
7 conditions render their continued custody unlawful, and maintains that immediate release is the
8 only effective remedy. *See Gutierrez-Lopez v. Figueroa*, 462 F. Supp. 3d 973, 982–83 (D. Ariz.
9 2020). Because the detention facility lacks the proper medical infrastructure and treatments to
10 safely manage Petitioner's heart condition, uncontrolled hemorrhaging, and cancer-related
11 vulnerabilities, her immediate release is the only effective remedy to abate this ongoing
12 constitutional violation so she can seek proper medical treatment.
13

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioners pray that this Court grant the following relief:

- 16 a. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
17
18 b. Order Respondents to immediately release Petitioner from custody, as her
19 continued detention in a facility incapable of treating her life-threatening medical
20 conditions constitutes deliberate indifference and unconstitutional punishment in
21 violation of her substantive due process rights;
22
23 c. Enjoin Respondents from transferring Petitioner out of the jurisdiction of the
24 Eastern District of California pending the final resolution of this proceeding;
25
26 d. Award Petitioner her reasonable costs and attorney's fees under the Equal Access
27 to Justice Act, 28 U.S.C. § 2412, and any other applicable law; and
28
e. Grant such further relief as this Court deems just and equitable to remedy the
harms to Petitioner.

1 DATED: July 18, 2026

Respectfully Submitted,

2
3 /s/ Mihret Getabicha

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* Application for Pro Hac Vice Admission Forthcoming

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's Attorneys. I have discussed with Petitioner's family all the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED: July 18, 2026

Respectfully Submitted,

/s/ Mari Alvarado

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