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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**


RONALDO V.,

Petitioner

-against-

Pam BONDI, in her official capacity as the Attorney General of the United States; Kristi NOEM, in her official capacity as Secretary for the United States Department of Homeland Security; Joseph EDLOW, in his capacity as Director for United States Citizenship and Immigration Services, Robert Lynch, in his capacity as Field Office Director, ERO Detroit and Kevin GRATHWOHL, in his capacity as warden at Butler County Jail.

Respondents.

Agency File No. 
Case No. 1:25-cv-00747

**PETITIONER'S NOTICE OF FILING
SUPPLEMENTAL EVIDENCE IN
SUPPORT OF VERIFIED PETITION
FOR WRIT OF HABEAS CORPUS
AND EMERGENCY TEMPORARY
RESTRAINING ORDER**

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

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Immigration Judge’s Decision Denying Bond, Dec. 10, 20253

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

SUMMARY OF SUPPLEMENTAL EVIDENCE

Now comes Petitioner, by and through undersigned Counsel, and hereby gives notice of filing the attached supplemental evidence in support of his petition for writ of habeas corpus, and temporary restraining order requesting, among other relief, his immediate release from detention.

On December 10, 2025, the immigration judge again denied bond, claiming the Court lacked jurisdiction to issue a bond. The immigration judge found that, in the alternative, if the immigration court did have jurisdiction to grant bond, Petitioner, who is a detained, twenty-one-year-old high school senior with no work authorization and has lived in Cincinnati for nearly four years,¹ would in the alternative be subject to a \$35,000 bond, which she found appropriate.² This amount would be, in effect, no bond at all, as this particular individual would be entirely incapable of paying such an amount.

s/Mechelle Zarou

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¹ Exhibits, ECF 11, PageID #60-61.

² See Immigration Judge's Order Denying Bond, Dec. 10, 2025.



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CLEVELAND IMMIGRATION COURT

Respondent Name:

VELASQUEZ-BARTOLON, RONALDO
ELEODORO

To:

Marks, Carolyn A
9378 Mason Montgomery Road
#385
Mason, OH 45040

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/09/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

On September 5, 2025, the Board issued a precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which found as a matter of law that all Respondents present in the United States without admission may only be subject to detention under INA 235(b), and never under INA 236. Therefore, the Immigration Courts have no jurisdiction over bond proceedings for Respondents present in the United States without admission.

On November 20, 2025, the Central District of California granted an order for summary judgment in part in the case of *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr. et. al.*, 5:cv-01873, finding the BIA and DHSs' interpretation of sections 235 and 236 of the INA to be unlawful as to the named plaintiffs. The Order denied the plaintiffs' request for a final judgment.

On November 25, 2025, the District Court granted class certification in *Bautista v. Santacruz* to include "All noncitizens of the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under [INA 236(c)] or [241] at the time the Department of Homeland Security makes and initial custody determination."

In the order certifying the class, the District Court made a part of the order "When

considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

Analysis & Findings

The respondent is charged as inadmissible under INA 212(a)(6)(A)(i). The respondent does not dispute his entry without inspection or admission. The question in this case is whether this Court remains bound by the BIA’s decision in *Matter of Yajure Hurtado* or whether the partial order for summary judgment entered by the District Court invalidates the Board’s application of INA 235 to all class members.

It is clear from the terms of the class certification that the partial order for summary judgment applies to all class members. See *Order Certifying Class*, 14. However, where this order is not a final judgment, the order does not yet have binding effect and may be revisited or revised by the Court at any time. Fed. R. Civ. Pro. R. 54(b). Given the order entered by the Central District of California is an order for partial summary judgment, it is not a final judgment and therefore not binding on the parties until a final judgment is entered. E.g. *FDIC v. Massingill*, 24 F.3d 768 (5th Cir. 1994); see Fed. R. Civ. Pro. R. 54(a) (defining a judgment as “an order from which an appeal lies). An order for partial summary judgment is not a final judgment because it is interlocutory in nature and has no res judicata effect. *Id.*; Fed. R. Civ. Pro. Rule 54(b); see also *Calpetco 1981 v. Marshall Expl., Inc.*, 989 F.2d 1408, 1414 (5th Cir. 1993) (“Because a partial summary judgment is interlocutory in nature, the district court retains the discretion to revise it; and we review only for abuse of that discretion.”)

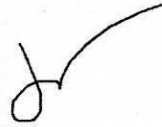
Accordingly, the Court finds that *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), remains in effect and this Court does not have jurisdiction over these bond proceedings.

ORDER: IT IS HEREBY ORDERED THAT the respondent’s request for custody re-determination be DENIED.

- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:

- Other:

In the alternative, if it were to be found that this Court has jurisdiction to redetermine bond, the Court would grant bond in the amount of \$35,000. The Court finds that this is the minimum amount necessary to ensure Respondent's appearance at future hearings.



Immigration Judge: Riedthaler-Williams, Jennifer 12/09/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 01/08/2026

Certificate of Service

This document was served:

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Respondent Name : VELASQUEZ-BARTOLON, RONALDO ELEODORO | A-Number :



Riders:

Date: 12/10/2025 By: DIAZ, MANJU, Court Staff

CERTIFICATE OF SERVICE

I, Carolyn A. Marks, hereby certify that the foregoing pleading was electronically filed on December 10, 2025, and will automatically be served on all the parties for whom counsel has entered an appearance.

A handwritten signature in black ink, appearing to read 'CA Marks', is written over a horizontal line.

Carolyn A. Marks (0092899)
Counsel for Petitioner
Admitted Pro Hac Vice