

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PEDRO ROMO NAVARRO,

Petitioner,

v.

Pamela BONDI, in her official capacity as
Attorney General of the United States *et al.*,

Respondents.

Case No. 5:25-cv-01468-FB

PETITIONER'S REPLY

The government's response fails to counter the arguments set forth in Petitioner's Motion for a Temporary Restraining Order and Preliminary Injunction. Additionally, on November 25, 2025, a United States District Court in the Central District of California granted a nationwide class certification and partial summary judgment in *Maldonado Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM, rejecting the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*. See Exh. A (*Class Certification Order*); Exh. B (*Order Granting Petitioners' Motion for Partial Summary Judgment*). The *Hurtado* decision served as the government's basis for denying Petitioner's application for reconsideration of his bond and resulted in his lengthy and unjustified detention. Under the *Matter of Yajure Hurtado*, the Petitioner in this case and other class members had been deemed ineligible for bond hearings by the government because they were considered subject to mandatory detention under Immigration and Nationality Act (INA) § 235(b)(2)(A). Under the recent court orders in *Maldonado Bautista*, however, Petitioner and other class members

must be considered subject to discretionary detention under INA § 236, meaning they have a right to a bond hearing before an Immigration Judge. The *Maldonado Bautistia* court essentially held the government had misclassified Petitioner and other class members under the INA and denied them the due process of a hearing before an Immigration Judge, a right previously denied to Petitioner by the government.

The class certification order in *Maldonado Bautistia* specifically states that “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.” *See* Exh. A (*Class Certification Order*) at 14. The Bond Eligible Class is nationwide and encompasses “[a]ll noncitizens in 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 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.” *Id.* at 15. Petitioner entered the country without inspection in 1997 (as admitted by the government in their response, see Section II), was not apprehended upon his arrival (as admitted by the government in their response, see Section II), and is not subject to detention at the time DHS makes an initial custody determination. Petitioner is a member of the Bond Eligible Class under the *Maldonado Bautistia* orders.

Based on the declaratory judgment in *Maldonado Bautista* finding Petitioner’s detention unlawful, Petitioner respectfully requests that his habeas petition be granted forthwith and that his Motion for a Temporary Restraining Order and Preliminary Injunction be granted forthwith.

DATED: December 1, 2025

By: /s/ Charles M. Gearing

Charles M. Gearing
Texas State Bar No. 24069774
cgearing@weaverjohnston.com

**WEAVER JOHNSTON & NELSON,
PLLC**
12404 Park Central Drive, Suite 225-S
Dallas, Texas 75251
972-564-8977 | 214.217.4184 FAX

And

/s/ Fatma Marouf

Fatma Marouf
Admitted Pro Hac Vice
California Bar No. 222732
fatma.marouf@law.tamu.edu

**TEXAS A&M SCHOOL OF LAW
CLINIC**
1515 Commerce Street
Fort Worth, Texas 76102
817-212-4123 | 817-212-4124 FAX

**COUNSEL FOR PETITIONER PEDRO
ROMO NAVARRO**