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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSE JAVIER MIRANDA SILVA,

Petitioner,

v.

KRISTI NOEM, Secretary of the
Department of Homeland Security;
PAMELA JO BONDI, Attorney General of
the United States; **TODD M. LYONS**,
Acting Director of U.S. Immigration and
Customs Enforcement; **BRET BRADFORD**,
Houston Field Office Director, U.S. Immigration
and Customs Enforcement; and
RAYMOND THOMPSON, Warden of Joe
Corley Processing Center.

Respondents.

Civil Action No: 4:25-cv-5784

Agency Case No: A



VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of the U.S. Department of Homeland Security, Immigration and Customs Enforcement ("ICE") officials at the

Joe Corley Processing Center located in Conroe, Texas. *See, U.S. DHS Online Detainee Locator attached as Exhibit A.* He faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*.

2. Immigration judges ("IJ") have informed class members in bond hearings that they have been instructed by "leadership" that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

3. On November 20, 2025, the U.S. District Court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs, and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d -- --, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

4. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

5. Nonetheless, the Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and are unlawfully ordering that class members be denied the opportunity to be released on bond.

6. Petitioner is a member of the Bond Eligible Class certified in *Maldonado Bautista*, as he:

a. Is a noncitizen in the United States without lawful status and is currently detained at the Joe Corley Processing Center in Conroe, Texas. On or about November 11, 2025, Petitioner was encountered by law enforcement officers during a traffic stop and was turned over to ICE custody.

b. Entered the United States without inspection on or about April 2013 (over 12 years ago) and was not apprehended upon arrival; and

c. is not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. After apprehending Petitioner on or about November 11, 2025, the Department of Homeland Security issued a Notice to Appear charging Petitioner with removability under Section 212(a)(6)(A)(i) of the INA and initiated removal proceedings on or about November 14, 2025.

8. The Court should expeditiously grant this petition.

9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

10. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondents must release Petitioner.

11. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

12. Petitioner is detained in the custody of the U.S. Department of Homeland Security, Immigration and Customs Enforcement ("ICE") officials at the Joe Corley Processing Center located in Conroe, Texas. He has been detained by ICE since November 11, 2025.

13. This Court has subject matter jurisdiction over this petition for writ of habeas corpus under 28 U.S.C. § 2241 (habeas corpus authority); U.S. Const. art. 1, § 9, cl. 2. (Suspension Clause), 28 U.S.C. § 1331 (federal question); U.S. Const. amend. V (the Due Process Clause of the U.S. Constitution).

14. This Court may grant relief under the habeas corpus statute, 28 U.S.C. § 2241, the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

VENUE

15. Venue is proper because Petitioner is detained at an immigration detention center located in Conroe, Texas, which is within the jurisdiction of this District.

16. Venue is proper in this District under 28 U.S.C. § 1391(e), because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rising to his claims occurred in this district, and no real property is involved in this action.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista*.

18. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noa*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner **Jose Javier Miranda Silva** is alleged to be a native and citizen of Mexico, who has been in immigration detention since November 11, 2025, following his transfer to ICE custody after law enforcement encounter during a traffic stop. After Petitioner's arrest, ICE declined to set a bond. Petitioner has resided in the United States since his entry without inspection in or around April 2013. He is currently in the physical and legal custody of Respondents at the Joe Corley Processing Center located in Conroe, Texas.

20. Respondent **Kristi Noem** is sued in her official capacity as the Secretary of the United States Department of Homeland Security ("DHS"). She exercises ultimate control and supervisory authority over all components and personnel of DHS, including U.S. Immigration and Customs Enforcement ("ICE"). She is responsible for the administration and enforcement of the nation's immigration laws pursuant to 8 U.S.C. § 1103(a). Accordingly, she is the Petitioner's ultimate legal custodian, as Petitioner's detention is maintained under DHS authority.

21. Respondent **Pamela Jo Bondi** is sued in her official capacity the Attorney General of the United States. She administers the Department of Justice ("DOJ"), including the Executive Office for Immigration Review ("EOIR"), the Board of Immigration Appeals ("BIA"), and the Immigration Courts. She is responsible for the administration and enforcement of the nation's immigration laws pursuant to 8 U.S.C. § 1103(g). Accordingly, she is one of Petitioner's legal custodians.

22. Respondent **Todd M. Lyons** is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), a component agency within DHS. He exercises authority over ICE operations nationwide, including enforcement, detention, and removal functions. Accordingly, he is one of Petitioner's legal custodians, as he has direct oversight of the agency responsible for Petitioner's custody.

23. Respondent **Bret Bradford** is sued in his official capacity as the Houston Field Office Director for U.S. Immigration and Customs Enforcement ("ICE"), which has jurisdiction over the Joe Corley Processing Center where Petitioner is detained. He exercises day-to-day supervisory authority over custody determinations and the conditions of detention within his jurisdiction. Accordingly, he is a proper Respondent as one of Petitioner's legal custodians.

24. Respondent **Raymond Thompson** is sued in his official capacity as the Warden of the Joe Corley Processing Center, where Petitioner is currently detained. He has immediate physical custody of Petitioner pursuant to a contract with ICE to detain noncitizens and is a legal custodian of Petitioner.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

25. Petitioner Jose Javier Miranda Silva is a 42-year-old alleged native and citizen of Mexico.

26. On or about April 2013, Petitioner entered the United States without inspection and was not apprehended upon arrival.

27. On or about November 11, 2025, Petitioner was encountered by law enforcement officers during a traffic stop and was turned over to ICE custody.

28. Petitioner was initially detained at the Montgomery Processing Center (IHSC) in Conroe, Texas.

29. After apprehending Petitioner on or about November 11, 2025, the Department of Homeland Security issued a Notice to Appear (NTA) charging Petitioner with removability under Section 212(a)(6)(A)(i) of the INA and initiated removal proceedings on or about November 14, 2025.

30. On November 20, 2025, Petitioner was transferred to the Joe Corley Processing Center in Conroe, Texas, where he remains detained.

31. Petitioner has extensive and longstanding family and community ties in the United States. Petitioner is married to Maria G. Perales, who is a Deferred Action for Childhood Arrivals (DACA) recipient. They have two minor U.S. citizen children, to-wit: **R.G.M.**, born in [REDACTED] 2015 (10 years old), and **J.M.**, born in [REDACTED] 2019 (6 years old). Petitioner is the primary provider for his family, and his detention has caused profound emotional and financial distress to his wife and children.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

32. There is no statutory requirement of administrative exhaustion before immigration detention may be challenged in federal court by a writ of habeas corpus. *See* 8 U.S.C. § 1252(d)(1); *Garza-Garcia v. Moore*, 539 F. Supp. 2d 899, 904 (S.D. Tex. 2007) (“Under the INA exhaustion of administrative remedies is only required by Congress for appeals on final orders of removal.”).

33. The Supreme Court has recognized that exhaustion is not required where a plaintiff “may suffer irreparable harm if unable to secure immediate judicial consideration of her claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992).

34. Even if the Court were to consider requiring exhaustion as a prudential matter, further action with the agency is unnecessary when pursuing administrative remedies would be futile or the agency has predetermined a dispositive issue. *McCarthy v. Madigan*, 503 U.S. 144, 147-48 (1992) (holding that an administrative remedy is inadequate when it “lacks institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute” or where the “challenge is to the adequacy of the agency procedure itself”).

35. In this case, exhaustion would be futile, because the Board of Immigration Appeals (“BIA”) issued a precedential decision in *Matter of Yajure Hurtado*, 29 I&N Decision 216 (BIA 2025), holding that regardless of length of time in the United States, immigration judges lack authority to grant bond to noncitizens present in the United States without admission under 8 U.S.C. § 1225(b)(2)(A), which was the statutory construction disputed in *Maldonado Bautista*. Despite the declaratory judgment in *Maldonado Bautista* immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that they remain bound to follow the BIA’s prior decision in *Matter of Yajure Hurtado*.

CLAIM FOR RELIEF

REQUEST FOR RELIEF PURSUANT TO *MALDONADO BAUTISTA*

36. Petitioner realleges and incorporates by reference each and every allegation set forth above as though fully set forth herein.

37. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

38. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

39. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen 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.”

40. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

41. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant the following relief.

- A. Exercise jurisdiction over this matter;
- B. Enjoin Petitioner's transfer outside the Southern District of Texas during the pendency of this action;
- C. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from ICE custody;
- D. Alternatively, issue a Writ of Habeas Corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- E. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- F. Grant such other and further relief that this Court deems just and proper.

Dated: December 2, 2025

Respectfully submitted,

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, **JOSE JAVIER MIRANDA SILVA**, and submit this verification on his behalf. I hereby verify under penalty of perjury that the factual statements made in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 2, 2025

Respectfully submitted,

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