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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 SAN DIEGO DIVISION

11 MARIA ORTEGA-MANRIQUEZ,

12 Petitioner,

'25CV3415 AGS MSB

13 vs.

PETITION FOR WRIT OF
HABEAS CORPUS

14 Christopher J. LAROSE, in his official
15 capacity as Warden of Otay Mesa
16 Detention Center; Daniel A. Brightman,
17 in his official capacity as San Diego Field
18 Office Director, ICE Enforcement
19 Removal Operations; Todd LYONS, in
20 his official capacity as Acting Director of
21 ICE; and Kristi NOEM, in her official
22 capacity as Secretary of Homeland
23 Security, Pamela BONDI, U.S. Attorney
24 General; IMMIGRATION AND
25 CUSTOMS ENFORCEMENT;
26 DEPARTMENT OF HOMELAND
27 SECURITY,

28 Respondents.



I. INTRODUCTION

1. Petitioner Maria Ortega-Manriquez ("Ms. Ortega") is a 53-year-old Mexican national who entered the United States on or about April 25, 2007. Since

1 that time, she has resided in the San Diego region for over 18 years. She has a
2 husband, Arnoldo Robles, with whom she shares four children: [REDACTED]

3 [REDACTED] Arnoldo (25 years old), and Perla (28 years old). [REDACTED]

4 [REDACTED]
5 [REDACTED] are United States citizens, and Perla has Deferred Action for Childhood
6 Arrivals (DACA). Her husband Arnoldo was detained at the same time as Ms. Ortega
7 and has been returned to Mexico. With one parent removed and Ms. Ortega detained,
8 their adult daughter Perla has had to take in the minor children.
9

10 2. On June 18, 2025, Ms. Ortega and her husband were apprehended by
11 Immigration and Customs Enforcement (ICE) agents at their home in Oceanside, CA.
12 They were separated and Ms. Ortega was placed in removal proceedings. *See* Exh. 1.

13 3. On July 11, 2025, an Immigration Judge granted Ms. Ortega bond in
14 the amount of \$2,500.00. *See* Exh. 4.

15 4. Following the bond grant, the Department of Homeland Security (DHS)
16 filed a Notice of ICE Intent to Appeal Custody Redetermination EOIR-43 and
17 subsequently appealed the decision to the Board of Immigration Appeals (BIA). *See*
18 Exh. 5.
19

20 5. On October 1, 2025, the BIA vacated the decision of the Immigration
21 Judge, relying on their own decision in *Matter of Yajure Hurtado*. *See* Exh. 6.
22

23 6. Petitioner Ms. Ortega further brings this petition for a writ of habeas
24 corpus to seek enforcement of her rights as members of the Bond Denial Class
25 certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
26 Cal.) Petitioner is in the physical custody of Respondents and faces continued
27

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1 unlawful detention because the Department of Homeland Security (DHS) and the
2 Executive Office for Immigration Review (EOIR) have refused to abide by the
3 declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v.*
4 *Santacruz*.

5
6 7. On November 20, 2025, the district court granted partial summary
7 judgment on behalf of individual plaintiffs and on November 25, 2025, certified a
8 nationwide class and extended declaratory judgment to the certified class. *Maldonado*
9 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL
10 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment
11 to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-
12 01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025)
13 (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class,
14 incorporating and extending declaratory judgment from Order Granting Petitioners'
15 Motion for Partial Summary Judgment).

16
17
18 8. The declaratory judgment held that the Bond Denial Class members are
19 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for
20 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at
21 *11.
22

23
24 9. Nonetheless, the Executive Office for Immigration Review (EOIR) and
25 its subagencies the Immigration Court, Board of Immigration Appeals, and the
26 Department of Homeland Security (DHS) have refused to abide by the declaratory
27 relief and have unlawfully ordered that Petitioner be denied the opportunity to be
28

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1 released on bond.

2 10. Petitioner Ms. Ortega is a member of the Bond Eligible Class, as she:

- 3 a. does not have lawful status in the United States and is currently
4 detained at the Otay Mesa Detention Center. She was apprehended by
5 immigration authorities on June 18, 2025;
6
7 b. entered the United States without inspection over 18 years ago and was
8 not apprehended upon arrival; and
9
10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 11. After apprehending Petitioner, DHS placed her in removal proceedings
12 pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible
13 under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without
14 inspection.
15

16 12. The Court should expeditiously grant this petition.

17 13. Respondents are bound by the judgment in *Maldonado Bautista*, as it
18 has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless,
19 Respondents continue to defy the judgment in that case and continue to subject
20 Petitioner to unlawful detention despite her clear entitlement to consideration for
21 release on bond as a Bond Eligible Class member.
22

23 14. Immigration judges have informed class members in bond hearings that
24 they have been instructed by “leadership” that the declaratory judgment in
25 *Maldonado Bautista* is not controlling, even with respect to class members, and that
26 instead Immigration Judges remain bound to follow the agency’s prior decision in
27
28

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1 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

2 15. Because Respondents are detaining Petitioner in violation of the
3 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly
4 order that Respondent DHS must immediately release Petitioner.
5

6 16. Ms. Ortega therefore seeks a writ of habeas corpus directing her
7 immediate release from detention.

8 II. VENUE AND JURISDICTION

9
10 17. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
11 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution
12 (Suspension Clause), as Ms. Ortega is presently in custody under the authority of the
13 United States and challenging her detention as in violation of the Constitution, laws,
14 or treaties of the United States.
15

16
17 18. The federal district courts have jurisdiction under Section 2241 to hear
18 habeas claims by individuals challenging the lawfulness of their detention by ICE.
19 *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

20
21 19. Venue is proper because Ms. Ortega is detained in the Otay Mesa
22 Detention Center, within the San Diego Division, and Respondent LaRose is her
23 immediate custodian. *See* 28 U.S.C. §§ 2241(d), 1391(e).

24 III. PARTIES

25
26 20. Petitioner Maria Ortega-Manriquez is a 53-year-old Mexican national
27 who resides in Oceanside, California. She is currently detained by Respondents at
28 the Otay Mesa Detention Center in San Diego, California, pending removal
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1 proceedings.

2 21. Respondent Christopher J. LaRose is the Warden of Otay Mesa
3 Detention Center. Respondent La Rose is responsible for the operation of the
4 Detention Center where Ms. Ortega is detained. As such, Respondent LaRose has
5 immediate physical custody of the Petitioner. He is being sued in his official
6 capacity.
7

8 22. Respondent Gregory J. Archambeault is the San Diego Field Office
9 Director ("FOD") for ICE Enforcement and Removal Operations. Respondent
10 Archambeault is responsible for the oversight of ICE operations at the Otay Mesa
11 Detention Center. Respondent Archambeault is being sued in his official capacity.
12

13 23. Respondent Todd Lyons is the Acting Director of ICE. Respondent
14 Lyons is responsible for the administration of ICE and the implementation and
15 enforcement of the immigration laws, including immigrant detention. As such,
16 Respondent Lyons is a legal custodian of Ms. Ortega and is being sued in his official
17 capacity.
18

19 24. Respondent Kristi Noem is the Secretary of the Department of
20 Homeland Security ("DHS"). As Secretary of DHS, Secretary Noem is responsible
21 for the general administration and enforcement of the immigration laws of the
22 United States. Respondent Secretary Noem is being sued in her official capacity.
23
24

25 IV. EXHAUSTION OF REMEDIES

26 25. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241; *Laing*
27 *v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not
28

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1 jurisdictionally required.

2 26. Additionally, Ms. Ortega not only requested a bond hearing, but was
3 initially granted a bond by the IJ. However, DHS appealed that order, and the BIA
4 ultimately adopted DHS' position that individuals in Ms. Ortega's situation are
5 categorically ineligible for bond.
6

7 27. Moreover, additional agency steps would be futile. On September 5,
8 2025, the BIA published *Matter of Yajure Hurtado*, 28 I&N Dec. 216 (BIA 2025). In
9 its decision, the BIA also adopted DHS' reading of 8 U.S.C. § 1225(b)(2), finding that
10 noncitizens who entered the country without inspection are ineligible for release on
11 bond. The immigration courts continue to apply the *Yajure Hurtado* decision.
12

13 28. Therefore, Ms. Ortega has exhausted her administrative remedies to
14 the extent required by law, and her only remedy is by way of this judicial action.
15

16 **V. STATEMENT OF FACTS**

17 29. Ms. Ortega is a Mexican national born on [REDACTED] She entered
18 the United States on or about April 25, 2007. Since that time, she has resided in the
19 San Diego region for over 18 years. She has a husband, Arnoldo Robles, with whom
20 she shares four children: [REDACTED] Arnoldo (25
21 years old), and Perla (28 years old). [REDACTED] are United States citizens,
22 and Perla has Deferred Action for Childhood Arrivals (DACA). Her husband Arnoldo
23 was detained at the same time as Ms. Ortega, and has been returned to Mexico. With
24 one parent removed and Ms. Ortega detained, their adult daughter Perla has had to
25 take in the minor children.
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1 30. Ms. Ortega was not employed outside the home. She is the primary
2 caretaker for her two minor children. Her husband, prior to both being detained by
3 DHS, was employed and financially supported the family.
4

5 31. On June 18, 2025, Ms. Ortega and her husband were apprehended by
6 ICE agents at their home in Oceanside. They were separated and Ms. Ortega was
7 placed in removal proceedings. *See* Exh. 2.
8

9 32. On June 18, 2025, DHS issued Form I-286, Notice of Custody
10 Determination, indicating that Ms. Ortega was being detained “Pursuant to the
11 authority contained in section 236 of the Immigration and Nationality Act and part
12 236 of title 8, Code of Federal Regulations...pending a final administrative
13 determination in [her] case.” Exh. 3. Ms. Ortega has remained in Respondents’
14 custody since that time.
15

16 33. On July 11, 2025, an Immigration Judge granted bond in the amount of
17 \$2,500.00. *See* Exh. 4.
18

19 34. Following the bond grant, the Department of Homeland Security (DHS)
20 filed a Notice of ICE Intent to Appeal Custody Redetermination EOIR-43, and
21 subsequently appealed the decision to the Board of Immigration Appeals (BIA).
22

23 35. On October 1, 2025, the BIA vacated the decision of the Immigration
24 Judge, relying on their own decision in *Matter of Yahure Hurtado*. *See* Exh. 6.

25 36. Ms. Ortega is statutorily eligible for Cancellation of Removal of Certain
26 Non-Permanent Residents EOIR-42b.

27 37. Ms. Ortega’s next master-calendar hearing is scheduled for December
28

1 16, 2025, at 1:00 p.m. before Immigration Judge Amelia Anderson at the
2 immigration court located at the Otay Mesa Detention Center, 7488 Calzada de la
3 Fuente, San Diego, California. Exh. 7.

4
5 38. Mr. Ortega remains detained despite an Immigration Judge having
6 concluded that she poses neither a danger to the community nor a flight risk
7 warranting continued detention without bond. Ms. Ortega now seeks habeas relief
8 because continued detention exceeds statutory authority and violates the Fifth
9 Amendment.
10

11 VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

12 39. Habeas corpus relief extends to a person “in custody under or by color
13 of the authority of the United States” if the person can show he is “in custody in
14 violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §
15 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352
16 (11th Cir. 2008) (holding a petitioner’s claims are proper under 28 U.S.C. section
17 2241 if they concern the continuation or execution of confinement).
18

19
20 40. “[H]abeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*,
21 513 U.S. 298, 319 (1995), that “[t]he court shall ... dispose of [] as law and justice
22 require,” 28 U.S.C. § 2243. “[T]he court’s role was most extensive in cases of pretrial
23 and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008).
24 “[W]hen the judicial power to issue habeas corpus properly is invoked the judicial
25 officer must have adequate authority to make a determination in light of the
26 relevant law and facts and to formulate and issue appropriate orders for relief,
27

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1 including, if necessary, an order directing the prisoner's release." *Id.* at 787.

2 VII. CAUSES OF ACTION

3 COUNT ONE
4 (PROCEDURAL DUE PROCESS)

5
6 41. Petitioner incorporates paragraphs 1 through 40 as if fully set out
7 herein.

8
9 42. The Fifth Amendment forbids deprivation of liberty without notice and
10 a meaningful opportunity to be heard before a neutral decision-maker. Due process
11 protects "all 'persons' within the United States, including [non-citizens], whether
12 their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v.*
13 *Davis*, 533 U.S. 678, 698 (2001).

14
15 43. The BIA's new interpretation of 8 U.S.C. § 1225(a) strips Petitioner of
16 that protection by classifying Petitioner as an "applicant for admission" after
17 residing in California for the past 18 years.

18
19 44. Applying the *Mathews v. Eldridge*, 424 U.S. 319 (1976), test,
20 Petitioner's liberty interest is paramount; the risk of erroneous deprivation is
21 extreme considering that Petitioner has been continuously detained despite an
22 Immigration Judge finding that she does not pose a danger to the community.
23 Likewise, the risk of erroneous deprivation of liberty is great due to the lack of a
24 non-independent adjudicator. *Marcello v. Bonds*, 39 U.S. 302, 305-306 (1955).

25
26 45. While the government has discretion to detain individuals under 8
27 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this

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1 discretion is not “unlimited” and must comport with constitutional due process. See
2 *Zadvydas*, 533 U.S. at 698.

3
4 **COUNT TWO**
5 **(SUBSTANTIVE DUE PROCESS)**

6 46. Petitioner incorporates paragraphs 1 through 40 as if fully set out
7 herein.

8
9 47. All persons residing in the United States are protected by the Due
10 Process Clause of the Fifth Amendment.

11 48. The Due Process Clause of the Fifth Amendment provides that “[n]o
12 person shall be ... deprived of life, liberty, or property, without due process of law.”
13 U.S. CONT. amend. V. Freedom from bodily restraint is at the core of the liberty
14 protected by the Due Process Clause. This vital liberty interest is at stake when an
15 individual is subject to detention by the federal government.

16
17 49. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533
18 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of
19 physical liberty only when the confinement serves a legitimate purpose—such as
20 ensuring appearance or protecting the community—and is reasonably related to,
21 and not excessive in relation to, that purpose.

22
23
24 50. Here, the BIA disregarded the findings of the Immigration Judge who
25 reviewed the evidence presented by Petitioner showing she is not dangerous and not
26 a flight risk. Continued confinement therefore bears no reasonable, non-punitive
27 relationship to any legitimate aim and is unconstitutionally arbitrary.

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- 1 4) Order Respondents to file a response within 3 business days of the filing of
2 this petition; and
3
4 5) Grant any other and further relief which this Court deems just and proper.

5 I affirm, under penalty of perjury, that the foregoing is true and correct.
6

7 Respectfully submitted this 3rd day of December, 2025.
8

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15 **INDEX OF SUPPORTING EXHIBITS**

- 16
17 Exhibit A Notice to Appear
18 Exhibit B I-213,
19 Exhibit C Notice of Custody Determination
20 Exhibit D Order of the Immigration Judge Granting Bond
21 Exhibit E Notice of ICE Intent to Appeal Custody Redetermination
22 Exhibit F BIA Decision Vacating IJ Bond under Matter of Yajure Hurtado
23 Exhibit G Notice of Next Court Date for Dec. 16, 2025.
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