

1 Rebecca McCarthy, Esq.  
Ezequiel Hernandez PLLC  
2 5658 N. 19<sup>th</sup> Avenue  
Phoenix, AZ 85015  
3 Tel. 602-314-1002  
rm@hernandezglobal.com  
4 *Attorney for Petitioner*

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8 UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

9 Lucia LARIOS GUILLEN,

10  
11 Petitioner,

Case No.

12 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

13 Acting Field Office Director, Field Office  
Director of Enforcement and Removal  
Operations, Phoenix Field Office, Immigration  
14 and Customs Enforcement; Kristi NOEM,  
Secretary, U.S. Department of Homeland  
15 Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela BONDI,  
16 U.S. Attorney General; EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW;  
17 CHRISTOPHER HOWARD, Warden of the  
Eloy Detention Center,

18 Respondents.  
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## INTRODUCTION

1. Petitioner Lucia Larios Guillen brings this petition for a writ of habeas corpus to seek enforcement of her 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 Respondents at the Eloy Detention Center in Eloy, Arizona. She now 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 certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the district court 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).

3. 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.

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to

1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
2 opportunity to be released on bond.

3 5. Petitioner Lucia Larios Guillen is a member of the Bond Eligible Class, as she:

4 a. does not have lawful status in the United States and is currently detained at the  
5 Eloy Detention Center. She was apprehended by immigration authorities on  
August 28, 2025;

6 b. entered the United States without inspection over twenty years ago, as a minor,  
and was not apprehended upon arrival, *cf. id.*; and

7 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

8 6. After apprehending Petitioner on August 28, 2025, while she was a passenger in a  
9 car driving through a U.S. Customs and Border Protection checkpoint, the DHS placed her in  
10 removal proceedings pursuant to 8 U.S.C. § 1229a. Exhibit A. At the time of apprehension, she  
11 had been granted Deferred Action for Childhood Arrivals (“DACA”) and was able to  
12 demonstrate to CBP Officers that she was lawfully present in the United States. Exhibit B. DHS  
13 has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who  
14 entered the United States without inspection.

15 7. Petitioner is married to a U.S. citizen, who filed an I-130, Petition for Alien  
16 Relative on her behalf on February 21, 2020. The I-130 Petition was approved on March 21,  
17 2022. Exhibit C.

18 8. Upon approval of the I-130 Petition, Petitioner filed an I-601A, Application for  
19 Provisional Unlawful Presence Waiver, on May 25, 2023, that was approved on July 5, 2025.  
20 Exhibit D.

21 9. Upon approval of the I-601A Waiver, Petitioner duly filed her DS-260, Immigrant  
22 Visa Electronic Application with the U.S. Department of State and submitted all necessary  
23 documents to the National Visa Center on July 29, 2025. Exhibit E.

1 10. Petitioner has no criminal history.

2 11. At the time Petitioner was apprehended she was lawfully present in the United  
3 States as a DACA recipient but also was in the lawful process of obtaining her permanent  
4 residency through her U.S. Citizen spouse.

5 12. On September 22, 2025, the Immigration Judge terminated Petitioner's removal  
6 proceedings finding that DHS wrongfully initiated removal proceedings against Respondent,  
7 despite her lawful presence in the United States. Exhibit 6.

8 13. On October 9, 2025, the DHS appealed the Immigration Judge's decision. The  
9 appeal remains pending and Petitioner remains detained despite removal proceedings being  
10 terminated. Exhibit 7.

11 14. On September 17, 2025, and December 4, 2025, the Immigration Judge denied  
12 Petitioner's Motion for Bond Redetermination finding no jurisdiction pursuant to *Matter of*  
13 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Exhibit 8.

14 15. The Court should expeditiously grant this petition.

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

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

1 18. Because Respondents are detaining Petitioner in violation of the declaratory  
2 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,  
3 Respondent DHS must release Petitioner.

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

#### 6 JURISDICTION

7 20. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
8 Eloy Detention Center, Eloy, Arizona.

9 21. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
10 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
11 Constitution (the Suspension Clause).

12 22. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

#### 14 VENUE

15 23. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
16 500 (1973), venue lies in the United States District Court for the District of Arizona, the judicial  
17 district in which Petitioner currently is detained.

18 24. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
19 Respondents are employees, officers, and agencies of the United States, and because a  
20 substantial part of the events or omissions giving rise to the claims occurred in the District of  
21 Arizona.



1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

6 31. Respondent Pamela Bondi is the Attorney General of the United States. She is  
7 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
8 and the immigration court system it operates is a component agency. She is sued in her official  
9 capacity.

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

13 33. Respondent Christopher Warden is employed by CoreCivic as Warden of the  
14 Eloy Detention Center, where Petitioner is detained. He has immediate physical custody of  
15 Petitioner. He is sued in his official capacity.

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**

18 **Request for Relief Pursuant to *Maldonado Bautista***

19 34. Petitioner repeats, re-alleges, and incorporates by reference each and every  
20 allegation in the preceding paragraphs as if fully set forth herein.

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

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

1 37. The order granting class certification in *Maldonado Bautista* further orders that  
2 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
3 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

4 38. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
5 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
6 § 2201(a).

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

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Issue a writ of habeas corpus requiring that within one day, Respondents release  
14 Petitioner;
- 15 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
16 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
17 seven days;
- 18 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
19 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
20 law; and
- 21 e. Grant any other and further relief that this Court deems just and proper.

22 DATED this 4<sup>th</sup> day of December, 2025.

23 s/ Rebecca McCarthy  
24 Rebecca McCarthy, Esq.  
Ezequiel Hernandez PLLC  
*Attorney for Petitioner*