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9 Counsel for Petitioners

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE CENTAL DISTRICT OF CALIFORNIA**

12 Jaime BARCENAS DOMINGUEZ; Pedro  
13 MACIAS NAVARRO; Victor Manuel  
14 JUAREZ BEDOLLA; Adolfo HILARIO;  
15 Evelio HILARIO; Ponciano GONZALEZ  
16 DE LA CRUZ; Gilberto ROSAS BELLO;  
17 Miguel Angel GUILLEN PEREZ; Hariom  
18 RANA; Erika Rocio Vidrio Velasquez;

19 Petitioners,

20 v.

21 Kristi NOEM, Secretary, Department of  
22 Homeland Security; Todd LYONS, in his  
23 official capacity as Acting Director of U.S.  
24 Immigration and Customs Enforcement;  
25 Pam BONDI, Attorney General of the  
26 United States; Jaime RIOS, Director, Los  
27 Angeles ICE Field Office; and Fereti  
28 SEMAIA, Warden, Adelanto ICE  
Processing Center.

Respondents.

Civil Case No.:

**PETITION FOR WRIT OF HABEAS  
CORPUS AND COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

1 **INTRODUCTION**

2 1. Petitioners are ten noncitizens who are detained at the immigration detention  
3 facility in Adelanto, California. They are all in pending removal proceedings and are  
4 charged with having entered the United States without inspection. 8 U.S.C. §  
5 1182(a)(6)(A)(i).

6 2. They bring this petition for a writ of habeas corpus to seek enforcement of  
7 their rights as members of the Bond Denial Class certified in *Maldonado Bautista v.*  
8 *Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).

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

18 4. 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 release  
20 on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

21 5. Nonetheless, the Executive Office for Immigration Review and its subagency  
22 the Immigration Court have blatantly refused to abide by the declaratory relief and have  
23 issued a policy that the decision does not apply because the Court in *Maldonado Bautista*  
24 has not issued a final judgment.

25 6. The policy states: that *Maldonado Bautista* granted class certification and  
26 partial summary judgment for the plaintiffs in that case, but did not issue a class-wide  
27 declaratory judgment or injunction. It further states that the *Maldonado Bautista* opinion  
28

1 and partial grant of summary judgment does not constitute a judgment and, therefore, does  
2 not bind the immigration courts.

3 7. Based on this interpretation, immigration judges have informed class  
4 members in bond hearings that they have been instructed by “leadership” that the  
5 declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class  
6 members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter*  
7 *of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

8 8. Petitioners are all members of the certified class in *Maldonado Bautista*, as  
9 they have physically entered the United States and are charged as having entered the United  
10 States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

11 9. Absent the application of class wide declaratory relief, they are ineligible for  
12 bond based on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which holds that  
13 individuals charged with having entered the United States without inspection are ineligible  
14 for bond redetermination hearings before an immigration judge, relying on the statute at 8  
15 U.S.C. § 1225(b)(2)(A).

16 10. Petitioners are detained in violation of the Court’s orders in *Maldonado*  
17 *Bautista*.

18 11. Alternatively, their detention without permitting a bond redetermination  
19 before an immigration judge is in violation of the general bond provision at 8 U.S.C. §  
20 1226(a).

21 12. As such, the Court should order that Respondents provide a bond hearing  
22 before an immigration judge under 8 U.S.C. § 1226(a) within seven days.

23  
24 **JURISDICTION AND VENUE**

25 13. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);  
26 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United  
27 States Constitution Article I, Section 9 (Suspension Clause).  
28

1 14. Venue properly lies within the Central District of California under 28 U.S.C.  
2 § 1391, because this is a civil action in which Respondents are agencies of the United  
3 States, Petitioners are detained in this District, and a substantial part of the events or  
4 omissions giving rise to this action occurred in the District.

5  
6 **PARTIES**

7  
8 15. Petitioner Jaime Barcenas Dominguez is in pending removal proceedings and  
9 is currently detained at the Adelanto immigration detention center.

10 16. Petitioner Pedro Damian Macias Navarro is in pending removal proceedings  
11 and is currently detained at the Adelanto immigration detention center.

12 17. Petitioner Victor Manuel Juarez Bedolla is in pending removal proceedings  
13 and is currently detained at the Desert View immigration detention center in Adelanto,  
14 California.

15 18. Petitioner Adolfo Hilario is in pending removal proceedings and is currently  
16 detained at the Adelanto immigration detention center.

17 19. Petitioner Evelio Hilario is in pending removal proceedings and is currently  
18 detained at the Adelanto immigration detention center.

19 20. Petitioner Ponciano Gonzalez de la Cruz is in pending removal proceedings  
20 and is currently detained at the Adelanto immigration detention center.

21 21. Petitioner Gilberto Rosas Bello is in pending removal proceedings and is  
22 currently detained at the Desert View immigration detention center in Adelanto, California.

23 22. Petitioner Miguel Angel Guillen Perez is in pending removal proceedings and  
24 is currently detained in the custody of ICE in Adelanto, California.

25 23. Petitioner Hariom Rana is in pending removal proceedings and is currently  
26 detained at the Adelanto immigration detention center.

27 24. Petitioner Erika Rocio Vidrio Velasquez is in pending removal proceedings  
28 and is currently detained at the Adelanto immigration detention center.

1 25. Respondent Kristi Noem is the Secretary of the Department of Homeland  
2 Security. She is responsible for the implementation and enforcement of the Immigration  
3 and Nationality Act and oversees ICE, which is responsible for Petitioners' detention. Ms.  
4 Noem has ultimate custodial authority over Petitioners. She is sued in her official capacity.

5 26. Respondent Todd Lyons is the Acting Director of ICE and has authority over  
6 the operations of ICE. In that capacity and through his agents, Respondent Lyons has broad  
7 authority over the operation and enforcement of the immigration laws. Respondent Lyons  
8 is sued in his official capacity.

9 27. Respondent Pam Bondi is the Attorney General of the United States. She is  
10 responsible for the Department of Justice and is sued in her official capacity.

11 28. Respondent Jaime Rios is the Director of the Los Angeles Field Office of  
12 ICE's Enforcement and Removal Operations division. As such, he is the custodian of all  
13 persons held at the ICE facilities in the Los Angeles Field Office. He is Petitioners'  
14 immediate custodian and is responsible for his detention. He is sued in his official capacity.

15 29. Respondent Fereti Semaia is the Warden of the of the Adelanto ICE  
16 Processing Center, Adelanto, California, where Petitioners are detained. He has immediate  
17 physical custody of Petitioners and is sued in his official capacity.

18 **LEGAL BACKGROUND**

19 30. The Immigration and Nationality Act (INA) prescribes three basic forms of  
20 detention for noncitizens in removal proceedings.

21 31. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-  
22 expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. § 1229a.  
23 Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their  
24 detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been  
25 arrested, charged with, or convicted of certain crimes are subject to mandatory detention,  
26 see 8 U.S.C. § 1226(c).  
27  
28

1 32. Second, the INA provides for mandatory detention of noncitizens subject to  
2 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking  
3 admission referred to under § 1225(b)(2).

4 33. Last, the Act also provides for detention of noncitizens who have been  
5 previously ordered removed, including individuals in withholding-only proceedings, see 8  
6 U.S.C. § 1231(a)–(b).

7 34. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

8 35. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part  
9 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,  
10 Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583,  
11 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley  
12 Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

13 36. Following enactment of the IIRIRA, EOIR drafted new regulations explaining  
14 that, in general, people who entered the country without inspection were not considered  
15 detained under § 1225 and that they were instead detained under § 1226(a). See Inspection  
16 and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal  
17 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

18 37. Thus, in the decades that followed, most people who entered without  
19 inspection—unless they were subject to some other detention authority—received bond  
20 hearings. That practice was consistent with many more decades of prior practice, in which  
21 noncitizens who were not deemed “arriving” were entitled to a custody hearing before an  
22 IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469,  
23 pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority  
24 previously found at § 1252(a)).

25 38. On September 5, 2025, the Board of Immigration Appeals issued a precedent  
26 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), finding that  
27 noncitizens who entered the United States without inspection were ineligible for bond  
28

1 redetermination hearings because they were seeking admission, and fell within 8 U.S.C. §  
2 1225(b)(2)(A).

3 39. This legal theory that noncitizens who entered the United States without  
4 admission or parole are ineligible for bond hearings has been overwhelmingly rejected by  
5 the district courts. *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at  
6 \*9 (W.D. Wash. Sept. 30, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM),  
7 2025 WL 2591530, at \*3 (C.D. Cal. Sept. 8, 2025); *Guzman v. Andrews*, No. 1:25-CV-  
8 01015-KES-SKO (HC), 2025 WL 2617256, at \*9 (E.D. Cal. Sept. 9, 2025); *Vasquez*  
9 *Garcia v. Noem*, 3:25-cv-02180-DMS-MMP (SD. Cal. Sept. 3, 2025); *Benitez v. Noem*,  
10 No. 5:25-cv-02190-RGK-AS) C.D. Cal. Aug. 26, 2025); *Arrazola Gonzalez v. Noem*, 5:25-  
11 cv-01789-ODW-DFM (C.D. Cal. Aug. 15, 2025); *Maldonado Bautista v. Santacruz*, 5:25-  
12 cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Carmona-Lorenzo v. Trump*, No.  
13 4:25CV3172, 2025 WL 2531521, at \*2 (D. Neb. Sept. 3, 2025); *Perez v. Berg*, No.  
14 8:25CV494, 2025 WL 2531566, at \*2 (D. Neb. Sept. 3, 2025); *Lopez-Campos v. Raycraft*,  
15 No. 2:25-CV-12486, 2025 WL 2496379, at \*8 (E.D. Mich. Aug. 29, 2025); *Jose J.O.E. v.*  
16 *Bondi*, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670, at \*6 (D. Minn. Aug. 27, 2025);  
17 *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136, at \*3 (W.D. La. Aug. 27, 2025)  
18 *Rodriguez v. Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025).

19 40. The Board's interpretation defies the INA. The plain text of the statutory  
20 provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

21 41. Section 1226(a) applies by default to all persons "pending a decision on  
22 whether the [noncitizen] is to be removed from the United States." These removal hearings  
23 are held under § 1229a, which "decid[e] the inadmissibility or deportability of a[]  
24 [noncitizen]."

25 42. The text of § 1226 also explicitly applies to people charged as being  
26 inadmissible, including those who entered without inspection. See 8 U.S.C. §  
27 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default,  
28 such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves

1 no doubt that it applies to people who face charges of being inadmissible to the United  
2 States, including those who are present without admission or parole.

3 43. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
4 recently entered the United States. The statute’s entire framework is premised on  
5 inspections at the border of people who are “seeking admission” to the United States. 8  
6 U.S.C. § 1225(b)(2)(A).

7 44. Accordingly, the mandatory detention provision of § 1225(b)(2) does not  
8 apply to people like Petitioners who are alleged to have entered the United States without  
9 admission or parole.

10  
11 **MALDONADO BAUTISTA v. NOEM CLASS ACTION**

12  
13 45. On November 20, 2025, this Court issued an order on a pending nationwide  
14 class action in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.),  
15 Dkt # 82. In that order, the Court rejected the argument that noncitizens who entered the  
16 United States without inspection are ineligible for bond based on 8 U.S.C. § 1225(b)(2),  
17 and found that they were eligible for bond hearings before immigration judges under 8  
18 U.S.C. § 1226 (a). The Court expressly found that those who entered the United States  
19 without inspection were not applicants for admission under 8 U.S.C. § 1225(b)(2). The  
20 court stated:

21  
22 In response, Respondents argue Petitioners are “applicants for admission”  
23 because § 1225(b)(2) is a “catchall provision” that applies to all applicants for  
24 admission not covered by § 1225(b)(1). [Opp. at 21, (citing *Jennings*, 583 U.S. at  
25 287)]. According to Respondents, “applicants for admission” “fall into one of two  
26 categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).”  
27 [Opp. at 21 (citing *Jennings*, 583 U.S. at 297)]. Such an argument relies on the  
28 assumption that “applicants for admission” encompasses *all* noncitizens coming  
into and already in the United States. If this assumption is true, then Respondents  
are correct. But this cannot be correct.

1 Respondents' argument is at odds with the plain language of the INA.  
2 Neither party contends with the definition section of the INA, which readily  
3 resolves this dispute over statutory interpretation.

4 *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81 at 12.  
5 This is a rejection of the Board's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216,  
6 229 (BIA 2025) ("The Immigration Judge properly held that he lacked authority to hear  
7 the respondent's request for a bond as the respondent is an applicant for admission and is  
8 subject to mandatory detention under section 235(b)(2)(A) of the INA, 8 U.S.C. §  
9 1225(b)(2)(A)..."). As such, the legal ruling that a noncitizen who entered without  
10 inspection is subject to 8 U.S.C. § 1225(b)(2) was rejected in *Maldonado Bautista*.

11 46. That legal ruling now applies nationwide to all noncitizens who entered  
12 without inspection and meet the class definition which was certified on November 25,  
13 2025 in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt #  
14 82. The class is defined as:

15 All noncitizens in the United States without lawful status who (1) have entered or  
16 will enter the United States without inspection; (2) were not or will not be  
17 apprehended upon arrival; and (3) are not or will not be subject to detention under  
18 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of  
19 Homeland Security makes an initial custody determination.

20 Dkt # 82 at 2.

21 47. Further, the November 25, 2025 Order confirms that the court's prior  
22 November 20, 2025 order on partial summary judgment applies to the nationwide class.  
23 The court stated explicitly "[w]hen considering this determination with the MSJ Order,  
24 the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible  
25 Class as a whole." Dkt # 82 at 14. As such, the Court's November 20, 2025 ruling on  
26 partial summary judgment that noncitizens who entered without inspection are eligible  
27 for bond hearings before the immigration judge under 8 U.S.C. § 1226(a) applies  
28 nationwide.

1 48. Nevertheless, the immigration courts have refused to follow *Maldonado*  
2 *Bautista*. The Adelanto immigration court, to which Petitioners are subject, has issued  
3 uniform language stating that “[u]ntil and unless the *Bautista* court issues a class-wide  
4 declaratory judgment or injunction, the *Bautista* court’s opinion and partial grant of  
5 summary judgment does not constitute a judgment. See, e.g., Fed. R. Civ. P. 54(b).”

6 49. Petitioners seek this Court’s intervention to order compliance with  
7 *Maldonado Bautista*, or alternatively to order that a bond hearing is independently  
8 required under § 1226(a).

9 **FACTS**

10 ***Petitioner No. 1: Jaime Barcenas Dominguez:*** 

11 50. Petitioner Jaime Barcenas Dominguez was arrested by immigration  
12 authorities and placed into removal proceedings on September 15, 2025. He is detained  
13 at the Adelanto detention center in Adelanto, California and has been issued a Notice to  
14 Appear which alleges that he entered the United States without inspection or admission.  
15 8 U.S.C. § 1182(a)(6)(A)(i).

16 51. Petitioner Jaime Barcenas Dominguez is in pending removal proceedings and  
17 has a hearing set for January 14, 2026.

18 52. However, according to the policy of the Executive Office for Immigration  
19 review, which houses immigration judges, he is not eligible for a bond redetermination  
20 hearing before an immigration judge in light of the Board of Immigration Appeals’  
21 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
22 charged with having entered the United States without inspection or admission.

23 ***Petitioner No. 2: Pedro Damian Macias Navarro:*** 

24 53. Petitioner Pedro Damian Macias Navarro was arrested by immigration  
25 authorities and placed into removal proceedings on November 14, 2025. He was charged  
26  
27  
28

1 with inadmissibility for having entered the United States without inspection or  
2 admission. 8 U.S.C. § 1182(a)(6)(A)(i).

3 54. Petitioner Pedro Damian Macias Navarro is in pending removal proceedings  
4 and is currently detained at the Adelanto immigration detention center.

5 55. However, according to the policy of the Executive Office for Immigration  
6 review, which houses immigration judges, he is not eligible for a bond redetermination  
7 hearing before an immigration judge in light of the Board of Immigration Appeals'  
8 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
9 charged with having entered the United States without inspection or admission.

10 56. Petitioner Pedro Damian Macias Navarro is next scheduled for a hearing  
11 before an immigration judge in the removal case on January 14, 2026.


12  
13 ***Petitioner No. 3: Victor Manuel Juarez Bedolla:*** 

14 57. Petitioner Victor Manuel Juarez Bedolla was arrested by immigration  
15 authorities and placed into removal proceedings on October 27, 2025. He was charged  
16 with inadmissibility for having entered the United States without inspection or  
17 admission. 8 U.S.C. § 1182(a)(6)(A)(i).

18 58. Petitioner Victor Manuel Juarez Bedolla is in pending removal proceedings  
19 and is currently detained at the Desert View immigration detention center in Adelanto,  
20 California.

21 59. However, according to the policy of the Executive Office for Immigration  
22 review, which houses immigration judges, he is not eligible for a bond redetermination  
23 hearing before an immigration judge in light of the Board of Immigration Appeals'  
24 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
25 charged with having entered the United States without inspection or admission.

26 60. Petitioner Victor Manuel Juarez Bedolla is next scheduled for a hearing before  
27 an immigration judge in the removal case on December 8, 2025.  
28


1 **Petitioner No. 4: Adolfo Hilario: A2** 

2 61. Petitioner Adolfo Hilario was arrested by immigration authorities and placed  
3 into removal proceedings on September 17, 2025. He was charged with inadmissibility  
4 for having entered the United States without inspection or admission. 8 U.S.C. §  
5 1182(a)(6)(A)(i).

6 62. Petitioner Adolfo Hilario is in pending removal proceedings and is currently  
7 detained at the Adelanto detention center.

8 63. However, according to the policy of the Executive Office for Immigration  
9 review, which houses immigration judges, he is not eligible for a bond redetermination  
10 hearing before an immigration judge in light of the Board of Immigration Appeals'  
11 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
12 charged with having entered the United States without inspection or admission.

13 64. Petitioner Adolfo Hilario is next scheduled for a hearing before an  
14 immigration judge in the removal case on December 17, 2025.

15  
16 **Petitioner No. 5: Evelio Hilario: A** 

17 65. Petitioner Evelio Hilario was arrested by immigration authorities and placed  
18 into removal proceedings on September 16, 2025. He was charged with inadmissibility  
19 for having entered the United States without inspection or admission. 8 U.S.C. §  
20 1182(a)(6)(A)(i).

21 66. Petitioner Evelio Hilario is in pending removal proceedings and is currently  
22 detained at the Adelanto immigration detention center.

23 67. However, according to the policy of the Executive Office for Immigration  
24 review, which houses immigration judges, he is not eligible for a bond redetermination  
25 hearing before an immigration judge in light of the Board of Immigration Appeals'  
26 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
27 charged with having entered the United States without inspection or admission.  
28

1 68. Petitioner Evelio Hilario is next scheduled for a hearing before an immigration  
2 judge in the removal case on December 17, 2025.

3  
4 ***Petitioner No. 6: Ponciano Gonzalez de la Cruz: A*** 

5 69. Petitioner Ponciano Gonzalez de la Cruz was arrested by immigration  
6 authorities and placed into removal proceedings on November 6, 2025. He was charged  
7 with inadmissibility for having entered the United States without inspection or  
8 admission. 8 U.S.C. § 1182(a)(6)(A)(i).

9 70. Petitioner Ponciano Gonzalez de la Cruz is in pending removal proceedings  
10 and is currently detained at the Adelanto immigration detention center.

11 71. However, according to the policy of the Executive Office for Immigration  
12 review, which houses immigration judges, he is not eligible for a bond redetermination  
13 hearing before an immigration judge in light of the Board of Immigration Appeals'  
14 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
15 charged with having entered the United States without inspection or admission.

16 72. Petitioner Ponciano Gonzalez de la Cruz is next scheduled for a hearing before  
17 an immigration judge in the removal case on January 7, 2026.

18  
19 ***Petitioner No. 7: Gilberto Rosas Bello: A*** 

20 73. Petitioner Gilberto Rosas Bello was arrested by immigration authorities and  
21 placed into removal proceedings on June 26, 2025. He is charged with inadmissibility  
22 for having entered the United States without inspection or admission. 8 U.S.C. §  
23 1182(a)(6)(A)(i).

24 74. Petitioner Gilberto Rosas Bello is in pending removal proceedings and is  
25 currently detained at the Desert View immigration detention center in Adelanto,  
26 California.

27 75. However, according to the policy of the Executive Office for Immigration  
28 review, which houses immigration judges, he is not eligible for a bond redetermination

1 hearing before an immigration judge in light of the Board of Immigration Appeals'  
2 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
3 charged with having entered the United States without inspection or admission.

4 76. Petitioner Gilberto Rosas Bello is next scheduled for a hearing before an  
5 immigration judge in the removal case on December 16, 2025.


6  
7 ***Petitioner No. 8: Miguel Angel Guillen Perez:*** 

8 77. Petitioner Miguel Angel Guillen Perez was arrested by immigration  
9 authorities and placed into removal proceedings on November 3, 2025. He is charged  
10 with inadmissibility for having entered the United States without inspection or  
11 admission. 8 U.S.C. § 1182(a)(6)(A)(i).

12 78. Petitioner Miguel Angel Guillen Perez is in pending removal proceedings and  
13 is currently detained in ICE custody in Adelanto, California.

14 79. However, according to the policy of the Executive Office for Immigration  
15 review, which houses immigration judges, he is not eligible for a bond redetermination  
16 hearing before an immigration judge in light of the Board of Immigration Appeals'  
17 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
18 charged with having entered the United States without inspection or admission.

19 80. Petitioner Miguel Angel Guillen Perez is next scheduled for a hearing before  
20 an immigration judge in the removal case on December 24, 2025.

21  
22 ***Petitioner No. 9: Hariom Rana:*** 

23 81. Petitioner Hariom Rana was arrested by immigration authorities and placed  
24 into removal proceedings on June 11, 2025. He is charged with inadmissibility for  
25 having entered the United States without inspection or admission. 8 U.S.C. §  
26 1182(a)(6)(A)(i).

27 82. Petitioner Hariom Rana is in pending removal proceedings and is currently  
28 detained at the Adelanto immigration detention center.

1 83. However, according to the policy of the Executive Office for Immigration  
2 review, which houses immigration judges, he is not eligible for a bond redetermination  
3 hearing before an immigration judge in light of the Board of Immigration Appeals'  
4 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
5 charged with having entered the United States without inspection or admission.

6 84. Petitioner Hariom Rana is next scheduled for a hearing before an immigration  
7 judge in the removal case on February 19, 2026.

8  
9 ***Petitioner No. 10: Erika Rocio Vidrio Velasquez: A*** 

10 85. Petitioner Erika Rocio Vidrio Velasquez was in pending removal proceedings  
11 and was arrested by immigration authorities on August 21, 2025. She is charged with  
12 inadmissibility for having entered the United States without inspection or admission. 8  
13 U.S.C. § 1182(a)(6)(A)(i).

14 86. Petitioner Erika Rocio Vidrio Velasquez is in pending removal proceedings  
15 and is currently detained at the Adelanto immigration detention center.

16 87. However, according to the policy of the Executive Office for Immigration  
17 review, which houses immigration judges, she is not eligible for a bond redetermination  
18 hearing before an immigration judge in light of the Board of Immigration Appeals'  
19 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as she is  
20 charged with having entered the United States without inspection or admission.

21 88. Petitioner Erika Rocio Vidrio Velasquez is next scheduled for a hearing before  
22 an immigration judge in the removal case on March 11, 2026.

1 **CAUSES OF ACTION**

2 **COUNT I**

3 **Violation of the INA:**

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

5 89. Petitioners repeat, re-allege, and incorporate by reference each and every  
6 allegation in the preceding paragraphs as if fully set forth herein.

7 90. As members of the Bond Eligible Class, Petitioners are entitled to  
8 consideration for release on bond under 8 U.S.C. § 1226(a).

9 91. The order granting partial summary judgment in *Maldonado Bautista v.*  
10 *Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), holds that Respondents violate the  
11 INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

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

18 94. By denying Petitioners a bond hearing under § 1226(a) because Petitioners  
19 entered without inspection and are therefore subject to mandatory detention under  
20 § 1225(b)(2), Respondents violate Petitioners’ statutory rights under the INA and the  
21 Court’s judgment in *Maldonado Bautista*.

22  
23 **COUNT II**

24 **Violation of 8 U.S.C. § 1226(a)**

25 ***Unlawful Denial of Bond Hearing***

26 95. Petitioners repeat, re-allege, and incorporate by reference each and every  
27 allegation in the preceding paragraphs as if fully set forth herein.

1 96. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to  
2 noncitizens residing in the United States who are subject to the grounds of  
3 inadmissibility because they previously entered the country without being admitted or  
4 paroled. Such noncitizens are detained under § 1226(a), unless they are subject to  
5 another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

6 97. The application of § 1225(b)(2) to bar Petitioners from receiving a bond  
7 redetermination hearing before an immigration judge violates the Immigration and  
8 Nationality Act.

9 **COUNT III**

10 ***Violation of the Administrative Procedure Act***

11 ***Unlawful Denial of Bond***

12 98. Petitioners repeat, re-allege, and incorporate by reference each and every  
13 allegation in the preceding paragraphs as if fully set forth herein.

14 99. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to  
15 noncitizens residing in the United States who are subject to grounds of inadmissibility  
16 because they originally entered the United States without inspection or parole. Such  
17 noncitizens are detained under § 1226(a), unless they are subject to another detention  
18 provision, such as § 1225(b)(1), § 1226(c) or § 1231.

19 100. The application of § 1225(b)(2) to bar Petitioners from receiving a bond  
20 redetermination hearing before an immigration judge is arbitrary, capricious, and not in  
21 accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

22  
23 **COUNT IV**

24 ***Violation of Procedural Due Process***

25 101. Petitioners repeat, re-allege, and incorporate by reference each and  
26 every allegation in the preceding paragraphs as if fully set forth herein.

27 102. The government may not deprive a person of life, liberty, or property  
28 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from

1 government custody, detention, or other forms of physical restraint—lies at the heart of  
2 the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct.  
3 2491, 150 L.Ed.2d 653 (2001).

4 103. Petitioners have a fundamental interest in liberty and being free from  
5 official restraint.

6 104. The government’s detention of Petitioners without a bond  
7 redetermination hearing to determine whether they are a flight risk or danger to others  
8 violates their right to due process.

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioners respectfully request that this Court:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Declare that the refusal to allow Petitioners a bond redetermination hearing before  
14 an immigration judge violates the INA, APA, and Due Process;
- 15 c. Issue a writ of habeas corpus requiring that Defendants release them or provide the  
16 bond hearing to which they are entitled within 7 days;
- 17 d. Award reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice  
18 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
- 19 e. Order further relief as this Court deems just and appropriate.

20  
21 Dated: December 5, 2025

Respectfully Submitted,

22 *S/Megan Brewer*

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