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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

JOSE ALFREDO GONZALEZ SUAREZ,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Pamela BONDI, U.S.
Attorney General; Todd LYONS, Acting
Director of Enforcement and Removal
Operations; Bret BRADFORD, Director
Houston Field Office, ; Devery
MOONEYHAM, Warden of Limestone County
Detention Center

Respondents.

Case No.

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner JOSE ALFREDO GONZALEZ SUAREZ, A# [REDACTED] brings this
3 petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond
4 Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
5 Cal.) Petitioner is in the physical custody of Respondents at the LIMESTONE COUNTY
6 DETENTION CENTER. He now faces unlawful detention because the Department of
7 Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have
8 refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado*
9 *Bautista v. Santacruz*.

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

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

22 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
23 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
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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 JOSE ALFREDO GONZALEZ SUAREZ is a member of the Bond
4 Eligible Class, as he:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 LIMESTONE COUNTY DETENTION CENTER. He was apprehended by
7 immigration authorities on September 15, 2025;
- 8 b. entered the United States without inspection over twenty-five (25) years ago and
9 was not apprehended upon arrival, *cf. id.*; and
- 10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner on September 15, 2025, the DHS placed him in
12 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
14 without inspection.

15 7. The Court should expeditiously grant this petition.

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

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

1 10. 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 11. 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 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
8 LIMESTONE COUNTY DETENTION CENTER in Groesbeck, Texas.

9 13. 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 14. 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 15. 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 Southern District, the judicial
17 district in which Petitioner currently is detained.

18 16. 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 Southern
21 District.

22 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

3 18. Habeas corpus is “perhaps the most important writ known to the constitutional
4 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
6 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
7 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
8 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

9 **PARTIES**

10 19. Petitioner JOSE ALFREDO GONZALEZ SUAREZ is a citizen of MEXICO,
11 who has been in immigration detention since September 15, 2025. After Petitioner was arrested,
12 ICE did not set bond, and Petitioner requested review of his custody by an IJ. On December 4,
13 2025, Petitioner was denied bond by an IJ at the Conroe Immigration Court because he was
14 found subject to mandatory detention pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216
15 (BIA 2025) and was deemed an “applicant for admission.” The Conroe Immigration Court found
16 in the alternative that JOSE ALFREDO GONZALEZ SUAREZ is not a flight risk or a danger to
17 society and granted him a \$1500 bond. Petitioner has resided in the United States since 1998.

18 20. Respondent Bret Bradford is the Director of the HOUSTON Field Office of
19 ICE’s Enforcement and Removal Operations division. As such, BRET BRADFORD is
20 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is
21 named in his official capacity.

22 21. Respondent Kristi Noem is the Secretary of the Department of Homeland
23 Security. She is responsible for the implementation and enforcement of the Immigration and
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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 22. 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 23. 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 24. 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 25. Respondent Devery Mooneyham is employed by LASALLE CORRECTIONS,
14 LLC. as Warden of the LIMESTONE COUNTY DETENTION CENTER, where Petitioner is
15 detained. She has immediate physical custody of Petitioner. She is sued in her official capacity.

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**

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

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

21 27. 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 28. 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.

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Attorney for Petitioner

VERIFICATION

I, **Jose Alfredo Gonzalez Suarez**, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 5TH day of December 2025, at Groesbeck, Texas.

Alfredo Gonzalez

JOSE ALFREDO GONZALEZ SUAREZ

A-Number 

Petitioner