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8 Counsel for Petitioner

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

11 Jose Ernesto Bermudez De Eugenio

12 Petitioner,

13 v.

14 Kristi NOEM, Secretary, Department of
15 Homeland Security; Todd LYONS, in his
16 official capacity as Acting Director of U.S.
17 Immigration and Customs Enforcement;
18 Pam BONDI, Attorney General of the
19 United States; Jaime RIOS, Director, Los
20 Angeles ICE Field Office; and Fereti
21 SEMAIA, Warden, Adelanto ICE
22 Processing Center.

23 Respondents.

Civil Case No.:

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

1 **INTRODUCTION**

2 1. Petitioner is an individual who is detained at the immigration detention facility
3 in Adelanto, California. He has been placed in pending removal proceedings and charged
4 him with having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

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

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

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

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

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

1
2 **PARTIES**
3

4 15. Petitioner, Jose Ernesto Bermudez De Eugenio, is currently detained at the
5 Adelanto Detention Facility in pending removal proceedings.

6 16. Respondent Kristi Noem is the Secretary of the Department of Homeland
7 Security. She is responsible for the implementation and enforcement of the Immigration
8 and Nationality Act and oversees ICE, which is responsible for Petitioner's detention. Ms.
9 Noem has ultimate custodial authority over Petitioner. She is sued in her official capacity.

10 17. Respondent Todd Lyons is the Acting Director of ICE and has authority over
11 the operations of ICE. In that capacity and through his agents, Respondent Lyons has broad
12 authority over the operation and enforcement of the immigration laws. Respondent Lyons
13 is sued in his official capacity.

14 18. Respondent Pam Bondi is the Attorney General of the United States. She is
15 responsible for the Department of Justice and is sued in her official capacity.

16 19. Respondent Jaime Rios is the Director of the Los Angeles Field Office of
17 ICE's Enforcement and Removal Operations division. As such, he is the custodian of all
18 persons held at the ICE facilities in the Los Angeles Field Office. He is Petitioner's
19 immediate custodian and is responsible for his detention. He is sued in his official capacity.

20 20. Respondent Fereti Semaia is the Warden of the of the Adelanto ICE
21 Processing Center, Adelanto, California, where Petitioner is detained. He has immediate
22 physical custody of Petitioner and is sued in his official capacity.

23 **LEGAL BACKGROUND**

24 21. The Immigration and Nationality Act (INA) prescribes three basic forms of
25 detention for noncitizens in removal proceedings.

26 22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-
27 expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. § 1229a.
28 Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their

1 detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
2 arrested, charged with, or convicted of certain crimes are subject to mandatory detention,
3 see 8 U.S.C. § 1226(c).

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

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

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

11 26. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part
12 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,
13 Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583,
14 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley
15 Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

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

21 28. Thus, in the decades that followed, most people who entered without
22 inspection—unless they were subject to some other detention authority—received bond
23 hearings. That practice was consistent with many more decades of prior practice, in which
24 noncitizens who were not deemed “arriving” were entitled to a custody hearing before an
25 IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469,
26 pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority
27 previously found at § 1252(a)).
28

1 29. On September 5, 2025, the Board of Immigration Appeals issued a precedent
2 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), finding that
3 noncitizens who entered the United States without inspection were ineligible for bond
4 redetermination hearings because they were seeking admission, and fell within 8 U.S.C. §
5 1225(b)(2)(A).

6 30. This legal theory that noncitizens who entered the United States without
7 admission or parole are ineligible for bond hearings has been universally rejected by the
8 district courts. *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *9
9 (W.D. Wash. Sept. 30, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025
10 WL 2591530, at *3 (C.D. Cal. Sept. 8, 2025); *Guzman v. Andrews*, No. 1:25-CV-01015-
11 KES-SKO (HC), 2025 WL 2617256, at *9 (E.D. Cal. Sept. 9, 2025); *Vasquez Garcia v.*
12 *Noem*, 3:25-cv-02180-DMS-MMP (SD. Cal. Sept. 3, 2025); *Benitez v. Noem*, No. 5:25-cv-
13 02190-RGK-AS) C.D. Cal. Aug. 26, 2025); *Arrazola Gonzalez v. Noem*, 5:25-cv-01789-
14 ODW-DFM (C.D. Cal. Aug. 15, 2025); *Maldonado Bautista v. Santacruz*, 5:25-cv-01873-
15 SSS-BFM (C.D. Cal. July 28, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025
16 WL 2531521, at *2 (D. Neb. Sept. 3, 2025); *Perez v. Berg*, No. 8:25CV494, 2025 WL
17 2531566, at *2 (D. Neb. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486,
18 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-
19 3051 (ECT/DJF), 2025 WL 2466670, at *6 (D. Minn. Aug. 27, 2025); *Kostak v. Trump*,
20 No. CV 3:25-1093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025) *Rodriguez v.*
21 *Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025).

22 31. The Board’s interpretation defies the INA. The plain text of the statutory
23 provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

24 32. Section 1226(a) applies by default to all persons “pending a decision on
25 whether the [noncitizen] is to be removed from the United States.” These removal hearings
26 are held under § 1229a, which “decid[e] the inadmissibility or deportability of a[
27 [noncitizen].”
28

1 33. The text of § 1226 also explicitly applies to people charged as being
2 inadmissible, including those who entered without inspection. See 8 U.S.C. §
3 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default,
4 such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves
5 no doubt that it applies to people who face charges of being inadmissible to the United
6 States, including those who are present without admission or parole.

7 34. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
8 recently entered the United States. The statute's entire framework is premised on
9 inspections at the border of people who are "seeking admission" to the United States. 8
10 U.S.C. § 1225(b)(2)(A).

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

14
15 **MALDONADO BAUTISTA v. NOEM CLASS ACTION**

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

25 In response, Respondents argue Petitioners are "applicants for admission"
26 because § 1225(b)(2) is a "catchall provision" that applies to all applicants for
27 admission not covered by § 1225(b)(1). [Opp. at 21, (citing *Jennings*, 583 U.S. at
28 287)]. According to Respondents, "applicants for admission" "fall into one of two
categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." [Opp. at 21 (citing *Jennings*, 583 U.S. at 297)]. Such an argument relies on the

1 assumption that “applicants for admission” encompasses *all* noncitizens coming
2 into and already in the United States. If this assumption is true, then Respondents
3 are correct. But this cannot be correct.

4 Respondents’ argument is at odds with the plain language of the INA.
5 Neither party contends with the definition section of the INA, which readily
6 resolves this dispute over statutory interpretation.

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

14 37. That legal ruling now applies nationwide to all noncitizens who entered
15 without inspection and meet the class definition which was certified on November 25,
16 2025 in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt #
17 82. The class is defined as:

18 All noncitizens in the United States without lawful status who (1) have entered or
19 will enter the United States without inspection; (2) were not or will not be
20 apprehended upon arrival; and (3) are not or will not be subject to detention under
21 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of
22 Homeland Security makes an initial custody determination.

23 Dkt # 82 at 2.

24 38. Further, the November 25, 2025 Order confirms that the court’s prior
25 November 20, 2025 order on partial summary judgment applies to the nationwide class.
26 The court stated explicitly “[w]hen considering this determination with the MSJ Order,
27 the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible
28

1 Class as a whole.” Dkt # 82 at 14. As such, the Court’s November 20, 2025 ruling on
2 partial summary judgment that noncitizens who entered without inspection are eligible
3 for bond hearings before the immigration judge under 8 U.S.C. § 1226(a) applies
4 nationwide.

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

10 40. Petitioners seek this Court’s intervention to order compliance with
11 *Maldonado Bautista*, or alternatively to order that a bond hearing is independently
12 required under § 1226(a).

13 FACTS

14
15 41. Petitioner was arrested by immigration authorities on November 7, 2025 and
16 placed into removal proceedings on November 10, 2025. He is detained at the detention
17 center in Adelanto, California and has been issued a Notice to Appear which alleges that
18 he entered the United States without inspection or admission. 8 U.S.C. §
19 1182(a)(6)(A)(i). His next hearing is set for December 22, 2025.

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

4 **COUNT I**

5 **Violation of the INA:**

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

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

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

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

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

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

22 48. By denying Petitioner a bond hearing under § 1226(a) because they allege
23 that Petitioner entered without inspection and are therefore subject to mandatory
24 detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under
25 the INA and the Court’s judgment in *Maldonado Bautista*.

1 **COUNT II**

2 **Violation of 8 U.S.C. § 1226(a)**

3 ***Unlawful Denial of Bond Hearing***

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

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

11 51. The application of § 1225(b)(2) to bar Petitioner from receiving a bond
12 redetermination hearing before an immigration judge violates the Immigration and
13 Nationality Act.

14 **COUNT III**

15 ***Violation of the Administrative Procedure Act***

16 ***Unlawful Denial of Bond***

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

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

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

1 **COUNT IV**

2 ***Violation of Procedural Due Process***

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

5 56. The government may not deprive a person of life, liberty, or property without
6 due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from
7 government custody, detention, or other forms of physical restraint—lies at the heart of
8 the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct.
9 2491, 150 L.Ed.2d 653 (2001).

10 57. Petitioner has a fundamental interest in liberty and being free from official
11 restraint.

12 58. The government’s detention of Petitioner without a bond redetermination
13 hearing to determine whether they are a flight risk or danger to others violates his right
14 to due process.

15 **PRAYER FOR RELIEF**

16
17 WHEREFORE, Petitioner respectfully request that this Court:

- 18
19 a. Assume jurisdiction over this matter;
- 20 b. Declare that the refusal to allow Petitioner a bond redetermination hearing before
21 an immigration judge violates the INA, APA, and Due Process;
- 22 c. Issue a writ of habeas corpus requiring that Defendants release them or provide the
23 bond hearing to which they are entitled within 7 days;
- 24 d. Award reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice
25 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
- 26 e. Order further relief as this Court deems just and appropriate.
- 27
28

1
2 Dated: December 8, 2025

Respectfully Submitted,

3
4 S/Emily L. Robinson

5 Emily L. Robinson SBN: 285343

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9 Counsel for Petitioner
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10 UNITED STATES DISTRICT COURT FOR THE
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12 Jose Ernesto Bermudez De Eugenio

13 Petitioner,

14 v.

15 Kristi NOEM, Secretary, Department of Homeland
16 Security; Todd LYONS, in his official capacity as Acting
17 Director of U.S. Immigration and Customs Enforcement;
18 Pam BONDI, Attorney General of the United States;
19 Jaime RIOS, Director, Los Angeles ICE Field Office; and
20 Fereti SEMAIA, Warden, Adelanto ICE Processing
21 Center.

22 Respondents.

Case No. _____

**NOTICE OF RELATED
CASE**

(Local Rule 83-1.3)

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1 Pursuant to Local Rule 83.1.3, Petitioner hereby files the instant Notice of Related
2 Case. Petitioner hereby gives notice that *Maldonado Bautista v. Santacruz*, No. 5:25-CV-
3 01873-SSS-BFM (C.D. Cal.) is related to this action. Civil Local Rule 83-1.3 provides that
4 an action is related to another whenever the actions “appear: (a) To arise from the same or a
5 closely related transaction, happening, or event; or (b) To call for determination of the same
6 or substantially related or similar questions of law and fact; or (c) For other reasons would
7 entail substantial duplication of labor if heard by different judges; or (d) To involve the same
8 patent, trademark or copyright, and one of the factors identified above in a, b or c is present.”
Civil L.R. 83-1.3.

9 This matter involves the same legal issue that was addressed in *Maldonado Bautista*,
10 regarding eligibility for a bond hearing under 8 U.S.C. § 1226(a). Petitioners are members of
11 the certified class.

12 Pursuant to 28 C.F.R. § 24.201(f), I hereby verify that the information provided in the
13 application and all accompanying material is true and correct to the best of my information and
14 belief. Executed this 8th day of December 2025 at Los Angeles, CA.

15
16 *S/Emily L. Robinson*

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8 Counsel for Petitioner

9 **UNITED STATES DISTRICT COURT FOR THE**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Jose Ernesto Bermudez De Eugenio

12 Petitioner,

13 v.

14 Kristi NOEM, Secretary, Department of
15 Homeland Security; Todd LYONS, in his
16 official capacity as Acting Director of U.S.
17 Immigration and Customs Enforcement; Pam
18 BONDI, Attorney General of the United
19 States; Jaime RIOS, Director, Los Angeles
20 ICE Field Office; and Fereti SEMAIA,
21 Warden, Adelanto ICE Processing Center.

22 Respondents.

No.

DECLARATION OF EMILY L.
ROBINSON IN SUPPORT OF
PETITIONERS' *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION

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1 I, Emily L. Robinson declare and state the following:

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3 1. My business address is Law Office of Emily L. Robinson, 5012 Eagle Rock
4 Blvd., Los Angeles, CA 90041.

5 2. I have personal knowledge of the events described below and represent
6 Petitioners before the immigration court.

7 3. On December 3, 2025, I emailed Daniel Beck, counsel for Respondents and
8 alerted him I would be filing this Writ and TRO. On December 8, I sent a
9 copy of the petition for writ of habeas corpus in this case and again notified
10 him of Petitioners' intent to file an *ex parte* application for Temporary
11 Restraining Order to seek an immigration court bond hearing. I warrant I will
12 send a copy of this filing to Mr. Beck via electronic mail. He replied
13 December 8, 2025, taking the position that they oppose any relief.

14 4. Petitioner, Jose Ernesto Bermudez De Eugenio (Ernesto), is presently
15 detained at the Adelanto Detention Center.

16 5. The Court's November 20 and November 25, 2025 orders in *Maldonado*
17 *Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), expressly
18 apply the order on Partial Summary Judgment on a class wide basis and
19 invalidate the argument that § 1225(b)(2) applies to those who entered
20 without inspection.

21 6. On November 20, 2025, the Court in *Maldonado Bautista v. Santacruz*, 5:25-
22 CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81, issue and order granting partial
23 summary judgment to the named plaintiffs. In that order, the Court rejected
24 the argument that noncitizens who entered the United States without
25 inspection are ineligible for bond based on 8 U.S.C. § 1225(b)(2), an found
26 that they were eligible for bond hearings before immigration judges under 8
27 U.S.C. § 1226(a). The Court expressly found that those who entered the

28

1 United States without inspection were not applicants for admission under 8
2 U.S.C. § 1225(b)(2).

3 7. Petitioner has been charged with entry without inspection and is unlawfully
4 detained without a bond hearing or mechanism for release at this time.

5 8. Petitioner entered the United States on or around October of 1998. He is
6 presently 54 years old. Since that time, he has committed no crimes (in the
7 United States or anywhere in the world) and has never had interactions with
8 immigration officials.

9 9. Petitioner has 5 children in the United States, two with Deferred Action for
10 Childhood Arrivals (DACA) and three who are U.S. Citizens. Of those
11 children, one is age 17 and still a minor. Petitioner also has two U.S. Citizen
12 grandchildren that he helps to provide for who are aged 15 and 10. Apart
13 from the youngest, who is in his Senior Year of high school, his children are
14 high school graduates. One has an AA in graphic design, another has a
15 diploma in Heating Ventilation and Air Conditioning at UEI college, and one
16 obtained a Bachelor's degree in Business Administration at the University of
17 Irvine.

18 10. All his family and clients as attest to his outstanding moral character.

19 11. In 2021, Petitioner fell ill with COVID and was intubated. He was in
20 intensive care for a month and then rehabilitation for a month. Thereafter he
21 has had complications with his lungs along with other health conditions like
22 his eyes, high blood pressure, cholesterol, knees and joint pain. Outside of
23 custody has been referred to and/or seen a podiatrist, Rheumatologists, and
24 optometrist/ophthalmologist. These conditions have all been heightened since
25 he has been held in Detention.

26 12. He also developed cataracts on his left eye and had surgery in 2023. Since
27 then, he reports that has been going to checkups every 6 months and was
28 prescribed eye drops called Restasis. He recently had eye exams done to

1 determine the pulsing and eye discomfort he began to develop. Since being
2 detained he has been losing vision in one eye.

3 13. Since being detained, Petitioner missed a well-visit on December 1, 2025,
4 and has three appointments scheduled for his eyes on December 8, 2025, and
5 December 15, 2025, and one more on February 17, 2026. While in detention
6 he is missing all this necessary care.

7 14. Upon information and belief, Petitioner is being told he cannot have access
8 to his medications as they are “outside medications” and it is likely all his
9 conditions are not being treated at this time. According to his providers at the
10 DLP Eye Group in Van Nuys, California, he has warning signs for glaucoma,
11 which needs professional care and becomes urgent with a moment’s notice.
12 There is already vision loss in the left eye requiring the treatment of a neuro-
13 ophthalmologist.

14 15. This all happens in the backdrop of the fact that his large family is suffering
15 without him given he is the primary financial provider in the home.

16 16. The government takes the position that Petitioner is not bond eligible and
17 *Maldonado Bautista v. Noem* is not binding. Petitioner is therefore without
18 any other mechanism for release and his health conditions, and family needs
19 are crucial.

20 17. Attached as **Exhibit 1** is the Notice to Appear for Petitioner.

21 18. Attached as **Exhibit 2** is a December 1, 2025, redacted immigration judge
22 decision from an Immigration Judge at the Adelanto immigration court
23 stating that they lack jurisdiction to conduct bond hearings and that
24 *Maldonado Bautista v. Noem* is not binding because class-wide declaratory
25 judgment was not issued.

26 19. Attached as **Exhibit 3** is the November 20, 2025, Order on Partial Summary
27 judgment in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM
28 (C.D. Cal.), Dkt # 81.

1 20. Attached as **Exhibit 4** is the November 25, 2025, Order on Class
2 Certification in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM
3 (C.D. Cal.), Dkt # 82.

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7 Pursuant to 28 C.F.R. § 24.201(f), I hereby verify that the information
8 provided in the application and all accompanying material is true and correct to the
9 best of my information and belief. Executed this 8th day of December 2025 at Los
10 Angeles, CA.

11
12 *S/ Emily L. Robinson*

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