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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 Joaquin BELTRAN ORDUNO; Jose
13 Luis CASILLAS VAZQUEZ; Julian DE
14 LOS SANTOS SERRANO; Gustavo
15 MOLINA JACINTO; Adan de los
16 Santos SANDOVAL LEMUS; Gustavo
17 Alonso SIFUENTES MORALES,
18 Petitioners,

19 v.

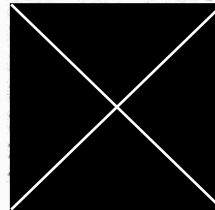
20 Kristi NOEM, Secretary, U.S.
21 Department of Homeland Security;
22 Pamela BONDI, U.S. Attorney General;
23 Todd LYONS, Acting Director,
24 Immigration and Customs Enforcement;
25 Ernesto SANTACRUZ JR., Acting
26 Director, Los Angeles Field Office,
27 Immigration and Customs Enforcement,
28 Enforcement and Removal Operations;
29 Fereti SEMAIA, Warden, Adelanto ICE
30 Processing Center; EXECUTIVE
31 OFFICE FOR IMMIGRATION
32 REVIEW; IMMIGRATION AND
33 CUSTOMS ENFORCEMENT; and U.S.
34 DEPARTMENT OF HOMELAND
35 SECURITY,

36 Respondents.

Case No. 5:25-cv-3332

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241;
VERIFIED PETITION**

PETITIONERS' DHS NOS:



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INTRODUCTION

1. Petitioners Joaquin BELTRAN ORDUNO, Jose Luis CASILLAS VAZQUEZ, Julian DE LOS SANTOS SERRANO, Gustavo MOLINA JACINTO, Adan de los Santos SANDOVAL LEMUS, and Gustavo Alonso SIFUENTES MORALES bring this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). Petitioners are in the physical custody of Respondents at the ICE Adelanto Detention Center and the Desert View Annex in Adelanto, California. They face ongoing 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 nationwide 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. *See 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

1 nationwide Bond Eligible Class, incorporating and extending declaratory judgment
2 from Order Granting Petitioners' Motion for Partial Summary Judgment).

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4 3. The Bond Eligible Class consists of:

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

9 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d --
10 --, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

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12 4. The declaratory judgment held that the Bond Eligible Class members
13 are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration
14 for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL
15 3289861, at *11.

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17 5. Nonetheless, EOIR, and its subagency the Immigration Court, and
18 DHS, have blatantly refused to abide by the declaratory relief and have unlawfully
19 ordered that Petitioners be denied the opportunity to be released on bond.
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21 6. Each Petitioner is a member of the Bond Eligible Class:

- 22
- 23 a. Petitioners do not have lawful status in the United States and are
24 currently detained at the ICE Adelanto Detention Center or Desert
View Annex in Adelanto, California;
 - 25 b. Petitioners were apprehended in the interior of the United States by
26 immigration authorities between September 1, 2025 and November 17,
27 2025;

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- 1 c. Petitioners previously entered the United States without inspection and
2 were not apprehended upon arrival; and
3 d. Petitioners are not subject to detention under 8 U.S.C. § 1226(c), §
4 1225(b)(1), or § 1231.

5 7. After apprehending Petitioners, DHS placed each Petitioner in removal
6 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged each Petitioner as
7 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
8 United States without inspection.
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10 8. The Court should expeditiously grant this petition.
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12 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it
13 has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
14 Nevertheless, Respondents continue to flagrantly defy the judgment in that case and
15 continue to subject Petitioners to unlawful detention despite their clear entitlement
16 to consideration for release on bond as a Bond Eligible Class member.
17

18 10. Immigration judges have informed class members in bond hearings
19 that they have been instructed by “leadership” that the declaratory judgment in
20 *Maldonado Bautista* is not controlling, even with respect to class members, and that
21 instead immigration judges remain bound to follow the agency’s prior decision in
22 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
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25 11. Because Respondents are detaining Petitioners in violation of the
26 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly
27 order that within one day, Respondent DHS must release Petitioners.
28

1 *Bautista.*

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

13 ***Petitioners***

14 19. Petitioner Joaquin BELTRAN ORDUNO was arrested by immigration
15 agents on October 21, 2025 in Garden Grove, California. He has been in
16 immigration detention since that date. He is currently detained at the Adelanto
17 Detention Center in Adelanto, California. ICE placed Petitioner under removal
18 proceedings and charged Petitioner with being present without admission pursuant
19 to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C.
20 § 1226(c), § 1225(b)(1), or § 1231.
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23 20. Petitioner Jose Luis CASILLAS VAZQUEZ was arrested by
24 immigration agents on September 1, 2025 in Temple City, California. He has been
25 in immigration detention since that date. He is currently detained at the Desert
26 View Annex in Adelanto, California. ICE placed Petitioner under removal
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1 proceedings and charged Petitioner with being present without admission pursuant
2 to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C.
3 § 1226(c), § 1225(b)(1), or § 1231. Petitioner made a bond request to an
4 immigration judge (“IJ”) who denied the request pursuant to *Matter of Yajure*
5 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) on October 8, 2025.
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8 21. Petitioner Julian DE LOS SANTOS SERRANO was arrested by
9 immigration agents on September 12, 2025 in Los Angeles, California. He has
10 been in immigration detention since that date. He is currently detained at the
11 Adelanto Detention Center in Adelanto, California. ICE placed Petitioner under
12 removal proceedings and charged Petitioner with being present without admission
13 pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to detention under
14 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Petitioner made a bond request to an
15 IJ who denied the request pursuant to *Matter of Yajure Hurtado*, 29 I. & N. Dec.
16 216 (BIA 2025) on November 10, 2025.
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20 22. Petitioner Gustavo MOLINA JACINTO was arrested by immigration
21 agents on October 29, 2025 in Los Angeles, California. He has been in
22 immigration detention since that date. He is currently detained at the Adelanto
23 Detention Center in Adelanto, California. ICE placed Petitioner under removal
24 proceedings and charged Petitioner with being present without admission pursuant
25 to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C.
26 § 1226(c), § 1225(b)(1), or § 1231.
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1 23. Petitioner Adan de los Santos SANDOVAL LEMUS was arrested by
2 Immigration agents on October 8, 2025 in San Pedro, California. He has been in
3 immigration detention since that date. He is currently detained at the Adelanto
4 Detention Center in Adelanto, California. ICE placed Petitioner under removal
5 proceedings and charged Petitioner with being present without admission pursuant
6 to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C.
7 § 1226(c), § 1225(b)(1), or § 1231.
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10 24. Petitioner Gustavo Alonso SIFUENTES MORALES has resided in the
11 United States since approximately 1988. He was arrested by immigration agents on
12 November 17, 2025 in Wilmington, California. He has been in immigration
13 detention since that date. He is currently detained at the Adelanto Detention Center
14 in Adelanto, California. ICE placed Petitioner under removal proceedings and
15 charged Petitioner with being present without admission pursuant to 8 U.S.C. §
16 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C. § 1226(c), §
17 1225(b)(1), or § 1231.
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21 ***Respondents***

22 25. Respondent Kristi Noem is the Secretary of the Department of
23 Homeland Security. She is responsible for the implementation and enforcement of
24 the Immigration and Nationality Act (“INA”) and oversees ICE, which is
25 responsible for Petitioners’ detention. Ms. Noem has ultimate custodial authority
26 over Petitioners. She is sued in her official capacity.
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1 26. Respondent Pamela Bondi is the Attorney General of the United
2 States. She is responsible for the Department of Justice, of which the Executive
3 Office for Immigration Review, and the BIA and immigration court system it
4 operates, is a component agency. She is sued in her official capacity.
5

6 27. Todd Lyons is the Acting Director of Immigration and Customs
7 Enforcement, a federal law enforcement agency within the Department of
8 Homeland Security. ICE's responsibilities include operating the immigration
9 detention system. In his capacity as ICE Acting Director, Respondent Lyons
10 exercises control over and is a custodian of persons held at ICE facilities nationally.
11 He is Petitioners' immediate custodian and is responsible for Petitioners' detention.
12 He is sued in his official capacity.
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14 28. Respondent Ernesto Santacruz Jr. is the Acting Director of the
15 Los Angeles Field Office of ICE's Enforcement and Removal Operations division.
16 As such, he is the custodian of all persons held at the ICE facilities within the Los
17 Angeles Field Office. He is Petitioners' immediate custodian and is responsible for
18 Petitioners' detention. He is sued in his official capacity.
19

20 29. Respondent Fereti Semaia, is the Warden of the Adelanto ICE
21 Processing Center, Adelanto, California, where Petitioners are detained. He has
22 immediate physical custody of Petitioners. He is sued in his official capacity.
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24 30. Respondent Executive Office for Immigration Review (EOIR) is the
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1 federal agency within the Department of Justice responsible for implementing the
2 INA in removal proceedings, including for custody redeterminations or bond
3 hearings.
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5 31. Respondent Department of Homeland Security (DHS) is the federal
6 agency responsible for implementing and enforcing the INA, including the
7 detention and removal of noncitizens.
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9 32. Respondent Immigration and Customs Enforcement (ICE) is the agency
10 within DHS responsible for implementing and enforcing the INA, including the
11 detention and removal of noncitizens.
12

13 **CLAIM FOR RELIEF**

14 **Violation of the Immigration & Nationality Act**
15 **Request for Relief Pursuant to *Maldonado Bautista***

16 33. Petitioners incorporate by reference the allegations of fact set forth
17 in the preceding paragraphs.
18

19 34. As members of the *Maldonado Bautista* Bond Eligible Class, Petitioners
20 are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
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22 35. The order granting partial summary judgment in *Maldonado Bautista*
23 holds that Respondents violate the Immigration & Nationality Act (“INA”), 8
24 U.S.C. § 1101 *et seq.*, in applying the mandatory detention statute at 8 U.S.C. §
25 1225(b)(2) to class members.
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27 36. The order granting class certification in *Maldonado Bautista* further
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1 orders that “[w]hen considering this determination with the MSJ Order, the Court
2 extends the same declaratory relief granted to [Named Plaintiffs-] Petitioners to the
3 Bond Eligible Class as a whole.” *Maldonado Bautista v. Santacruz*, No. 5:25-CV-
4 01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25,
5 2025).
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8 37. Respondents are parties to *Maldonado Bautista* and bound by the Court’s
9 declaratory judgment, which has the full “force and effect of a final judgment.” 28
10 U.S.C. § 2201(a).
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12 38. By denying Petitioners a bond hearing under § 1226(a) and asserting that
13 they are subject to mandatory detention under § 1225(b)(2), Respondents violate
14 Petitioners’ statutory rights under the INA and the Court’s judgment in *Maldonado*
15 *Bautista*.
16

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioners respectfully ask that this Court take jurisdiction over
19 this matter and grant the following relief:
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- 21 a. Order that Petitioners shall not be transferred outside of the Central
22 District of California while this petition is pending;
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24 b. Issue a Writ of Habeas Corpus requiring Respondents to release
25 Petitioners within one day;
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- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioners unless they provide Petitioners with a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioners attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED: December 10, 2025

s/ Niels W. Frenzen
NIELS W. FRENZEN
JEAN REISZ
USC GOULD SCHOOL OF LAW
IMMIGRATION CLINIC

Attorneys for Petitioners

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VERIFICATION

I, Niels W. Frenzen, declare as follows:

I am an attorney admitted to practice law before this Court and in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioners, I am making this verification on their behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 10, 2025.

s/ Niels W. Frenzen
NIELS W. FRENZEN
USC GOULD SCHOOL OF LAW
IMMIGRATION CLINIC

Attorney for Petitioners