

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Juan Angel LARA CORDON,
A# 

Petitioner,

v.

Jamal Lawrence JAMISON, *et al.*,

Respondents.

Case No. 2:25-cv-06937

**MOTION FOR A TEMPORARY
RESTRAINING ORDER**

TO: The Clerk of Court and Counsel for Respondents.

PLEASE TAKE NOTICE that Petitioner, Juan Angel Lara Cordon, by and through undersigned counsel, hereby moves this Honorable Court for a Temporary Restraining Order (TRO) and Immediate Release pursuant to 28 U.S.C. § 2243 and Fed. R. Civ. P. 65.

This motion is based on the binding, nationwide class certification and partial summary judgment rulings issued by the United States District Court for the Central District of California in *Maldonado Bautista et al. v. Santacruz Jr. et al.*, Case No. 5:25-cv-01873-SSS-BFM, which conclusively establishes that Petitioner's detention under 8 U.S.C. § 1225(b)(2) is unlawful.

Petitioner seeks immediate release, rather than a delayed bond hearing, because the systemic inability of the Executive Office for Immigration Review (EOIR) to process the thousands of affected class members within a constitutional timeframe constitutes immediate, irreparable injury.

In support of this motion, Petitioner submits the accompanying Memorandum of Law in Support of a Temporary Restraining Order.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion for a Temporary Restraining Order and issue an Order (i) enjoining Respondents from detaining Petitioner under 8 U.S.C. § 1225(b)(2); (ii) granting the Petition for Writ of Habeas Corpus; and (iii) ordering Petitioner's immediate release from Respondents' custody.

DATED this 10th of December, 2025.

/s/ Karen L. Hoffmann
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served Counsel for Respondents with a copy of this pleading via email as follows:

Anthony St. Joseph, AUSA
United States Attorney's Office, EDPA
Anthony.StJoseph@usdoj.gov

DATED this 10th of December, 2025.

/s/ Karen L. Hoffmann
Karen L. Hoffmann, Esq.

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MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

Petitioner Juan Lara Cordon is currently detained by U.S. Immigration and Customs Enforcement (ICE) and has been denied liberty without a bond hearing under a policy of mandatory detention pursuant to 8 U.S.C. § 1225(b)(2). The legal basis for this policy, including the prior reliance on *Matter of Yajure Hurtado*, has been definitively rejected by the nationwide declaratory judgment and class certification orders in *Maldonado Bautista et al. v. Santacruz Jr. et al.*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dkt. 81 & 82).

This Court has the authority under the habeas statute, 28 U.S.C. § 2243, to order Petitioner's immediate release. Petitioner satisfies the four prongs for a Temporary Restraining Order: (1) He is certain to succeed on the merits as a member of a certified class; (2) He faces immediate, irreparable harm from unconstitutional, indefinite detention; (3) the balance of equities strongly favors liberty; and (4) the public interest is served by enforcing the Constitution. Because the government is demonstrably incapable of providing the required bond hearing remedy in a timely manner to the vast number of class members, immediate release is the only just and constitutional remedy.

II. ARGUMENT

A. Likelihood of Success on the Merits: Petitioner is a Member of the Certified Nationwide ‘Bond Eligible Class’

The basis for Petitioner’s success on the merits is binding class relief issued by a co-equal district court. Petitioner is entitled to this relief as a member of the Bond Eligible Class, which the *Maldonado Bautista* court certified under Federal Rule of Civil Procedure 23(b)(2) as:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention 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.

Maldonado Bautista, Dkt. 82 at 15.

Petitioner meets every element of this definition, as follows:

- Entry Without Inspection: Petitioner entered the United States without inspection.
- Not Apprehended Upon Arrival: Petitioner was not apprehended at the time of entry but was encountered on December 9, 2025 by federal ICE agents.¹
- No Mandatory Detention Triggers: Petitioner is not subject to mandatory detention under the criminal grounds of § 1226(c), the expedited removal provisions of § 1225(b)(1), or a final order of removal under § 1231.

The *Maldonado Bautista* court granted partial summary judgment, holding that 8 U.S.C. § 1226(a) is the appropriate governing authority, not § 1225(b)(2) (*Maldonado Bautista*, Dkt. 81

¹ Even if Petitioner was previously apprehended near the border but later released, the language of Element Two, which uses the future tense (“were not or will not be apprehended upon arrival”), must be construed in the context of the detention underlying the class litigation: the current arrest and detention being challenged. The declaratory relief granted in *Maldonado Bautista* is focused on the status of the noncitizen at the time of the “initial custody determination.” When Petitioner was later apprehended in the interior and placed into the custody that is the subject of this habeas petition, he was not “apprehended upon arrival.” Therefore, Petitioner satisfies Element Two and is entitled to the relief extended to the Bond Eligible Class under 8 U.S.C. § 1226(a).

at 14-16). This declaratory judgment was expressly extended to the entire class (*Maldonado Bautista*, Dkt. 82 at 14). Consequently, Petitioner is likely to succeed on his habeas claim.

B. Irreparable Harm: Indefinite Detention Due to Systemic Impossibility

Petitioner faces immediate and irreparable injury through continued, unlawful deprivation of liberty. Detention, even for a non-punitive purpose, must be limited to a “brief period” (*Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)). While the class relief makes Petitioner eligible for a bond hearing, ordering such a hearing provides no effective remedy because the administrative system cannot handle the volume.

The sudden reclassification of thousands of mandatory detainees to bond-eligible detainees has created an insurmountable backlog for the Executive Office for Immigration Review. *See, e.g.*, Geoff Bennett and Ali Schmitz, “Ousted immigration judge describes deepening court backlog” (PBS News Hour, Nov. 12, 2025), available at <https://www.pbs.org/newshour/show/ousted-immigration-judge-describes-deepening-court-backlog>; Camilo Montoya-Galvez and Julia Ingram, “The number of non-criminal detainees arrested by ICE has surged by 2,000% under Trump” (CBS News, Nov. 26, 2025), available at <https://www.cbsnews.com/news/ice-detainee-data-fastest-growing-without-criminal-records-trump/> (“On Nov. 16, the government figures show, ICE was holding 65,135 people in detention facilities throughout the U.S., the highest level ever publicly reported by the agency ... The official figures indicate that 30,986 – or 48% — of the ICE detainees in custody as of Nov. 16 lacked any criminal charges or convictions in the U.S. and were being held solely because of civil violations of U.S. immigration law.”).

Therefore, the government cannot fulfill its duty to provide a timely hearing, meaning Petitioner is now condemned to an indefinite, prolonged detention that becomes punitive and

unconstitutional. Because the EOIR system will be paralyzed by the size of the class, the only remedy that prevents the continuation of irreparable constitutional harm is immediate release.

C. Balance of Equities and Public Interest

The balance of equities overwhelmingly favors Petitioner. On one side is Petitioner's fundamental right to liberty, and on the other is the government's interest in maintaining a detention that a federal court has already declared unlawful. The government's continued enforcement of an unlawful policy, especially when it cannot provide due process, must yield. The public interest is always served by upholding the Constitution, preventing indefinite detention, and enforcing the binding judgments of the federal courts.

III. CONCLUSION AND RELIEF SOUGHT

For the foregoing reasons, Petitioner respectfully requests that this Court enter a Temporary Restraining Order forthwith, compelling the Respondents to grant the writ of habeas corpus and immediately release Petitioner from custody.

DATED this 10th of December, 2025.

/s/ Karen L. Hoffmann
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ATTORNEY FOR PETITIONER

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[PROPOSED] ORDER

THIS MATTER having come before the Court upon Petitioner's Motion for a Temporary Restraining Order and Immediate Release, relying on the nationwide class certification and partial summary judgment rulings in *Maldonado Bautista et al v. Santacruz Jr et al*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal.); and

WHEREAS, the Court finds that Petitioner has satisfied the requirements for injunctive relief; and

WHEREAS, the United States District Court for the Central District of California certified the "Bond Eligible Class" (*Maldonado Bautista*, Dkt. 82) and held that detention under 8 U.S.C. § 1225(b)(2) is unlawful for class members (*Maldonado Bautista*, Dkt. 81); and

WHEREAS, the Court finds that Petitioner is a member of said class, rendering his current detention unlawful, and that administrative mechanisms cannot provide a constitutionally timely hearing;

IT IS HEREBY ORDERED that:

1. The Motion for a Temporary Restraining Order is **GRANTED**.
2. The Petition for Writ of Habeas Corpus is **GRANTED**.

3. The Court takes judicial notice of the Order Granting Petitioners' Motion for Partial Summary Judgment (Dkt. 81) and the Order Granting Plaintiff Petitioners' Motion for Class Certification (Dkt. 82) issued in *Maldonado Bautista v. Santacruz*.
4. Respondents are **ORDERED TO IMMEDIATELY RELEASE** Petitioner Juan Angel Lara Cordon (A#203-650-064) from custody.
5. Petitioner shall be released on his own recognizance pursuant to 8 U.S.C. § 1226(a).
6. Respondents are **RESTRAINED AND ENJOINED** from detaining Petitioner under 8 U.S.C. § 1225(b)(2) or from imposing any conditions of release not authorized under 8 U.S.C. § 1226(a).
7. This Temporary Restraining Order shall remain in effect for _____ days.

IT IS SO ORDERED.

Dated: _____

HON.

UNITED STATES DISTRICT JUDGE