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9 Attorneys for Petitioners

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

12 Jorge Arturo ARMENTA-ROSALES;  
13 Cuberto CHAVEZ ABARCA; Orlando  
14 SEGURA ERAZO; Mario Ignacio  
15 MONTES ROCHA; Marcos Antonio  
16 PINEDA; Rodolfo VILLANUEVA-  
17 CONTRÉRAS,

18 Petitioners,

19 v.

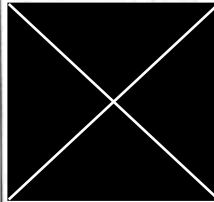
20 Kristi NOEM, Secretary, U.S. Dept. of  
21 Homeland Security; Pamela BONDI,  
22 U.S. Attorney General; Todd LYONS,  
23 Acting Director, Immigration and  
24 Customs Enforcement; Gregory J.  
25 ARCHAMBEAULT, Director, ICE San  
26 Diego Field Office; Jeremy CASEY,  
27 Warden, Imperial Regional Detention  
28 Facility; Christopher J. LAROSE,  
Warden, Otay Mesa Detention Center;  
EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW;  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT; and U.S.  
DEPARTMENT OF HOMELAND  
SECURITY,

Respondents.

Case No. '25CV3505 DMS BLM

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

PETITIONERS' DHS NOS:



1 INTRODUCTION

2 1. Petitioners Jorge Arturo ARMENTA-ROSALES, Cuberto CHAVEZ  
3 ABARCA, Orlando SEGURA ERAZO, Mario Ignacio MONTES ROCHA, Marcos  
4 Antonio PINEDA, and Rodolfo VILLANUEVA-CONTRERAS bring this petition  
5 for a writ of habeas corpus to seek enforcement of their rights as members of the  
6 Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-  
7 01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403 (C.D. Cal. Nov. 25,  
8 2025). Petitioners are in the custody of Respondents at the Imperial Regional  
9 Detention Facility in Calexico, California and the Otay Mesa Detention Center in  
10 San Diego, California. They face ongoing unlawful detention because the  
11 Department of Homeland Security (DHS) and the Executive Office for Immigration  
12 Review (EOIR) have refused to abide by the declaratory judgment issued on behalf  
13 of the certified nationwide class in *Maldonado Bautista v. Santacruz*.

14 2. On November 20, 2025, the district court granted partial summary  
15 judgment on behalf of individual plaintiffs and, on November 25, 2025, certified a  
16 nationwide class and extended declaratory judgment to the certified class. *See*  
17 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d --  
18 --, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial  
19 summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*  
20 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403,  
21 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).

3  
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).

11  
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.

16  
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.  
20

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 Imperial Regional Detention Facility in  
25 Calexico, California and the Otay Mesa Detention Center in San  
26 Diego, California;
  - 27 b. Petitioners were apprehended in the interior of the United States by  
28 immigration authorities between July 7, 2025 and October 9, 2025;

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.  
9

10 8. The Court should expeditiously grant this petition.

11 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it  
12 has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).  
13 Nevertheless, Respondents continue to flagrantly defy the judgment in that case and  
14 continue to subject Petitioners to unlawful detention despite their clear entitlement  
15 to consideration for release on bond as a Bond Eligible Class member.  
16

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

23 11. Because Respondents are detaining Petitioners in violation of the  
24 declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly  
25 order that within one day, Respondent DHS must release Petitioners.  
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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 Jorge Arturo ARMENTA ROSALES was arrested by  
15 immigration agents on August 17, 2025 in Garden Grove, California. He has been  
16 in immigration detention since that date. He is currently detained at the Imperial  
17 Regional Detention Facility in Calexico, California. ICE placed Petitioner under  
18 removal proceedings and charged Petitioner with, *inter alia*, being present without  
19 admission pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to  
20 detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.  
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24 20. Petitioner Cuberto CHAVEZ ABARCA has resided in the United States  
25 since 1995. He was arrested by immigration agents on October 9, 2025 in Garden  
26 Grove, California. He has been in immigration detention since that date. He is  
27 currently detained at the Otay Mesa Detention Center in San Diego, California.  
28

1 ICE placed Petitioner under removal proceedings and charged Petitioner with being  
2 present without admission pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not  
3 subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.  
4

5 21. Petitioner Orlando SEGURA ERAZO has resided in the United States  
6 since 2010. He was arrested by immigration agents in August 2025 in Los Angeles,  
7 California. He has been in immigration detention since that date. He is currently  
8 detained at the Otay Mesa Detention Center in San Diego, California. ICE placed  
9 Petitioner under removal proceedings and charged Petitioner with being present  
10 without admission pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject  
11 to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Petitioner made a  
12 bond request to an IJ who denied the request pursuant to *Matter of Yajure Hurtado*,  
13 29 I. & N. Dec. 216 (BIA 2025) on September 26, 2025.  
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17 22. Petitioner Mario Ignacio MONTES ROCHA has resided in the United  
18 States since 2017. He was arrested by immigration agents on August 21, 2025 in  
19 San Bernardino, California. He has been in immigration detention since that date.  
20 He is currently detained at the Imperial Regional Detention Facility in Calexico,  
21 California. ICE placed Petitioner under removal proceedings and charged  
22 Petitioner with being present without admission pursuant to 8 U.S.C. §  
23 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C. § 1226(c), §  
24 1225(b)(1), or § 1231.  
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28 23. Petitioner Marcos Antonio PINEDA has resided in the United States for

1 over thirty years. He was arrested by immigration agents on July 7, 2025 in Los  
2 Angeles, California. He has been in immigration detention since that date. He is  
3 currently detained at the Imperial Regional Detention Facility in Calexico,  
4 California. ICE placed Petitioner under removal proceedings and charged  
5 Petitioner with being present without admission pursuant to 8 U.S.C. §  
6 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C. § 1226(c), §  
7 1225(b)(1), or § 1231. Petitioner made a bond request to an IJ who denied the  
8 request pursuant on August 29, 2025 after finding no jurisdiction because Petitioner  
9 was subject to detention under 8 U.S.C. § 1225(b)(2).  
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13 24. Petitioner Rodolfo VILLANUEVA CONTRERAS was arrested by  
14 immigration agents on August 24, 2025 in Fullerton, California. He has been in  
15 immigration detention since that date. He is currently detained at the Otay Mesa  
16 Detention Center in San Diego, California. ICE placed Petitioner under removal  
17 proceedings and charged Petitioner with being present without admission pursuant  
18 to 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner is not subject to detention under 8 U.S.C.  
19 § 1226(c), § 1225(b)(1), or § 1231.  
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23 ***Respondents***

24 25. Respondent Kristi Noem is the Secretary of the Department of  
25 Homeland Security. She is responsible for the implementation and enforcement of  
26 the Immigration and Nationality Act (“INA”) and oversees ICE, which is  
27  
28

1 responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority  
2 over Petitioners. She is sued in her official capacity.

3  
4 26. Respondent Pamela Bondi is the Attorney General of the United  
5 States. She is responsible for the Department of Justice, of which the Executive  
6 Office for Immigration Review, and the BIA and immigration court system it  
7 operates, is a component agency. She is sued in her official capacity.

8  
9 27. Todd Lyons is the Acting Director of Immigration and Customs  
10 Enforcement, a federal law enforcement agency within the Department of  
11 Homeland Security. ICE's responsibilities include operating the immigration  
12 detention system. In his capacity as ICE Acting Director, Respondent Lyons  
13 exercises control over and is a custodian of persons held at ICE facilities nationally.  
14 He is Petitioners' immediate custodian and is responsible for Petitioners' detention.  
15 He is sued in his official capacity.

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18 28. Respondent Gregory J. Archambeault is the Director of the San Diego  
19 Field Office of ICE's Enforcement and Removal Operations division. As such, he is  
20 the custodian of all persons held at the ICE facilities in the San Diego Field Office.  
21 He is Petitioners' immediate custodian and is responsible for Petitioners' detention.  
22 He is sued in his official capacity.

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25 29. Respondent Jeremy Casey is the Warden of the Imperial Regional  
26 Detention Facility, Calexico, California, where certain Petitioners are detained. He  
27 has immediate physical custody of Petitioners. He is sued in his official capacity.  
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- 1 a. Order that Petitioners shall not be transferred outside of the Southern
- 2 District of California while this petition is pending;
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- 4 b. Issue a Writ of Habeas Corpus requiring Respondents to release
- 5 Petitioners within one day;
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- 7 c. Alternatively, issue a writ of habeas corpus requiring Respondents to
- 8 release Petitioners unless they provide Petitioners with a bond hearing
- 9 under 8 U.S.C. § 1226(a) within seven days;
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- 11 d. Award Petitioners attorney's fees and costs under the Equal Access to
- 12 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
- 13 basis justified under law; and
- 14
- 15 e. Grant any other and further relief that this Court deems just and
- 16 proper.

17 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