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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

MARTINEZ-JUAREZ,  
Arturo,

Petitioner,

v.

Todd LYONS, in his official capacity as  
Acting Director of U.S. Immigration and  
Customs Enforcement; and Ladeon FRANCIS,  
in his official capacity as Field Office Director  
ICE Atlanta Field Office; and Kristi NOEM, in  
her official capacity as Secretary of the U.S.  
Department of Homeland Security; and Pamela  
BONDI, in her official capacity as Attorney  
General of the United States; EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW; and  
Michael BRECKON, in his official capacity as  
Warden, Folkston ICE Processing Center, D.  
Ray James Correctional Facility Annex,

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 **INTRODUCTION**

2 1. Petitioner Arturo Martinez Juarez brings this petition for a writ of habeas corpus  
3 to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado*  
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical  
5 custody of Respondents at the Folkston ICE Processing Center, D. Ray James Correctional  
6 Facility Annex. He now faces unlawful detention because the Department of Homeland Security  
7 (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the  
8 declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

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

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

- 4 a. does not have lawful status in the United States and is currently detained at the  
5 Folkston D Ray ICE Processing Center. He was apprehended by immigration  
6 authorities on November 24<sup>th</sup>, 2025;  
7 b. entered the United States without inspection over 23 (twenty-three) years ago and  
8 was not apprehended upon arrival, *cf. id.*; and  
9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on November 24<sup>th</sup>, 2025, the DHS placed him in  
11 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
13 without inspection.

14 7. The Court should expeditiously grant this petition.

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

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

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  
7 **JURISDICTION**

8 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
9 Folkston ICE Processing Center, Folkston, Georgia.

10 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
11 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
12 Constitution (the Suspension Clause).

13 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
14 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

15  
16 **VENUE**

17 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
18 500 (1973), venue lies in the United States District Court for the Southern District, the judicial  
19 district in which Petitioner currently is detained.

20 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
21 Respondents are employees, officers, and agencies of the United States, and because a  
22 substantial part of the events or omissions giving rise to the claims occurred in the Southern  
23 Distric.  
24



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 23. 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 24. 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 25. 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 26. Respondent Michael Breckon is employed by The GEO Group, Inc. as the  
14 Warden of the Folkston ICE Processing Center (D. Ray James Correctional Facility Annex) in  
15 Folkston, Georgia, where Petitioner is currently detained. Respondent Breckon has immediate  
16 physical custody of Petitioner and therefore is the Petitioner's primary custodian for purposes of  
17 this habeas action. He is sued in his official capacity.

18  
19 **CLAIM FOR RELIEF**

20 **Violation of the INA:**

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

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

24 28. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
release on bond under 8 U.S.C. § 1226(a).



1 DATED this 11<sup>h</sup> of December 2025.

2  
3 /s/ Matthew O. Boles  
4 Matthew O. Boles,  
5 GA Bar No. 904287; LA Bar No. 37593  
6 MANJI LAW, P.C.  
7 5745 Lawrenceville Hwy, Tucker, GA 30084  
8 Matt@manjilaw.com  
9 941-524-7913  
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**Verification**

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Matthew O. Boles

Date: December 11<sup>th</sup>, 2025