

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

CIRILO ISLAS AGUILAR,

Petitioner,

v.

LADÉON FRANCIS, Field Office  
Director of Enforcement and Removal  
Operations, Atlanta Field Office,  
TODD LYONS, in his official capacity  
as Acting director of Immigration and  
Customs Enforcement;  
KRISTI NOEM, Secretary, U.S.  
Department of Homeland Security; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY;  
PAMELA BONDI, U.S. Attorney  
General; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW;  
Tony Normand, Warden of FOLKSTON  
DETENTION CENTER,

Respondents.

Case No. CV 525-222

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner CIRILO ISLAS AGUILAR brings this petition for a writ of habeas  
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in  
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the  
5 physical custody of Respondents at the FOLKSTON DETENTION CENTER He now faces  
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive  
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued  
8 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

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 CIRILO ISLAS AGUILAR is a member of the Bond Eligible Class, as  
4 he:

5 a. does not have lawful status in the United States and is currently detained at the  
6 [FOLKSTON DETENTION CENTER. He was apprehended by immigration  
7 authorities on October 31, 2025;

8 b. entered the United States without inspection over twenty years ago and was not  
9 apprehended upon arrival, *cf. id.*; and

10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner on October 31, 2025, the DHS placed him in  
12 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
14 without inspection.

15 7. The Court should expeditiously grant this petition.

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

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

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 **JURISDICTION**

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
8 FOLKSTON DETENTION CENTER in Folkston, GEORGIA.

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

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

15 **VENUE**

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

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

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**REQUIREMENTS OF 28 U.S.C. § 2243**

17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

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

**PARTIES**

19. Petitioner CIRILO ISLAS AGUILAR is a citizen of Mexico who has been in immigration detention since the 31st of October 2025. After arresting Petitioner at or near his home in Snellville, Georgia and transferring him to Folkston Detention Center, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

20. Respondent LADEON FRANCIS is the Director of the Atlanta Field Office of ICE’s Enforcement and Removal Operations division; however, on information and belief, the DHS is rotating their Field Office Director without publishing a schedule of rotation. As such, LADEON FRANCIS or his unknown, unannounced provisional replacement is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He or his acting counterpart

1 is named in his or her official capacity. Respondent Francis's address is 180 Ted Turner Dr Se,  
2 Ste 522. Atlanta GA 30303.

3 21. Respondent Todd Lyons is named in his official capacity as the Acting Director of the  
4 Immigration and Customs Enforcement ("ICE"). As the senior Official Performing the duties of  
5 the Director of ICE, he is responsible for the administration and enforcement of the immigration  
6 laws of the United States; routinely transacts business in the Southern District of Georgia; is  
7 legally responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner.  
8 His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900,  
9 Washington DC 20536-5900.

10 22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.  
11 She is responsible for the implementation and enforcement of the Immigration and Nationality  
12 Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has  
13 ultimate custodial authority over Petitioner and is sued in her official capacity. Respondent  
14 Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707  
15 Martin Luther King Jr Ave Se Washington DC 20528-0525.

16 23. Respondent Department of Homeland Security (DHS) is the federal agency  
17 responsible for implementing and enforcing the INA, including the detention and removal of  
18 noncitizens.

19 24. Respondent Pamela Bondi is the Attorney General of the United States. She is  
20 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
21 and the immigration court system it operates is a component agency. She is sued in her official  
22 capacity. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue,  
23 NW, Washington, DC 20530-0001.

1 25. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
2 responsible for implementing and enforcing the INA in removal proceedings, including for  
3 custody redeterminations in bond hearings.

4 26. Respondent, Warden Tony Normand, is employed by the private, for-profit detention  
5 corporation contracted by the Government as an agent to confine immigrants at Folkston  
6 Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner.  
7 He is sued in his official capacity. Respondent Warden's address is Warden, ICE processing  
8 center, 2500 South Highway 1, Folkston GA 31539.

9 **FACTS**

10 27. Mr. CIRILO ISLAS AGUILAR ("Mr. Islas") is a Forty-three-old citizen and national  
11 of Mexico.

12 28. Mr. Islas entered the United States in or around 2004 and has been present ever since.

13 29. On or Around August 25, 2020, the DHS filed a Notice to Appear and initiated  
14 removal proceedings against Mr. Islas.

15 30. Mr. Islas applied for Asylum and Withholding of Removal with the United States  
16 Citizen and Immigration Services in or around 2017. This application was referred to the  
17 Immigration court and Mr. Islas was issued a Notice to Appear in 2020. Mr. Islas' case remained  
18 pending with the immigration court without a date set for his initial hearing. Since his initial  
19 filing in 2017, Mr. Islas applied for and maintained lawful work authorization and a valid  
20 driver's license.

21 31. Despite conformance with the law on October 31, 2025, in Snellville, Georgia, ICE  
22 officials arrived at Mr. Islas' home.

23 32. Mr. Islas was leaving for work with two other co-workers. The ICE agents blocked  
24 Mr. Islas' car and asked him if he was "Cirilo" to which Mr. Islas replied affirmatively.

1 33. Despite providing evidence of pending applications and receipt notices, ICE officers  
2 detained and transported Mr. Islas to the 180 Ted Turner ICE Facility in Atlanta, Georgia. Mr.  
3 Islas was then transferred to the Folkston Detention Center in Folkston, Georgia where he  
4 remains detained.

5 34. Mr. Islas detention has inflicted profound harm on his U.S. citizen family particularly  
6 his four children ages 17, 16, 12, and 5—all of which are experiencing emotional and  
7 developmental hardship in his absence.

8 35. Mr. Islas is a devoted father and husband whose presence is essential to his children's  
9 well-being and stability.

10 36. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
11 Petitioner's bond request, and his unlawful detention cannot be litigated before that body, who  
12 collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS  
13 position wholesale, because such efforts would be futile.

14 37. As a result, Petitioner remains in detention. Without relief from this court, he faces the  
15 prospect of months, or even years, in immigration custody, separated from his family and  
16 community while his relief remains pending.

17 **CLAIMS FOR RELIEF**  
18 **COUNT I**

19 **Violation of the INA:**  
20 **Request for Relief Pursuant to *Maldonado Bautista***

21 38. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation  
22 in the preceding paragraphs as if fully set forth herein.  
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24 39. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
25 release on bond under 8 U.S.C. § 1226(a).  
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1 DATED this 11th of December 2025.

2 /s/ Eszter Bardi, Esq.

3 Eszter Bardi, Esq.

4 Attorney for Petitioner

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1 **28 U.S.C. § 2242 VERIFICATION STATEMENT**

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3 I am submitting this verification on behalf of the Petitioner because I am the  
4 Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed  
5 various documents for Petitioner. On the basis of those discussions, I hereby verify that I have  
6 reviewed the foregoing Petition and that the facts and statements made in this Petition and  
7 Complaint are true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

8  
9 DATED this 11th of December 2025.

10 /s/ Eszter Bardi, Esq.  
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