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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**


10 Efrain Misael Curiel-Castaneda  
11 Petitioner-Plaintiff,

12 v.

13 CHRISTOPHER J. LAROSE, Senior  
14 Warden, Otay Mesa Detention Center;  
15 PATRICK DIVVER, Field Office  
16 Director, San Diego Field Office, U.S.  
17 Immigration and Customs Enforcement;  
18 TODD M. LYONS, Acting Director, U.S.  
19 Immigration and Customs Enforcement,  
20 U.S. Department of Homeland Security;  
21 and KRISTI NOEM, Secretary, U.S.  
22 Department of Homeland Security; PAMELA  
23 JO BONDI, Attorney-General, U.S.  
24 Department of Justice,

25 Defendant-Respondents.

Case No. '25CV3519 LL VET

Agency File No. 

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

DETAINED

26 **INTRODUCTION**

27 1. Petitioner Efrain Misael Curiel-Castaneda (“Mr. Curiel-Castaneda”) is a 42-year-  
28 old Mexican national who last entered the United States in 2007. He has resided in southern  
California for over 18 years now and has started a family in San Diego, California.

1           2.     Mr. Curiel-Castaneda is married to Patricia Sleek-Castaneda (“Ms. Sleek-  
2     Castaneda”), a U.S. Citizen, and has lived with her in San Diego, California, since 2013. Mr.  
3     Curiel-Castaneda raised and supported the two children of Ms. Sleek-Castaneda (his  
4     stepchildren) as his own: Chelsie Rae (now 32 years old) and Sophia Jade (now 27 years old).  
5     He is also a doting grandfather to his two step-grandchildren.  
6

7           3.     Mr. Curiel-Castaneda takes care of his wife who is suffering from various medical  
8     condition (anxiety disorder and cardiac health issues). He is a great provider for his family. He  
9     is a peace-loving, caring and responsible individual, spouse, father, and community member.  
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11          4.     Mr. Curiel-Castaneda has no criminal history or any record of violence. Nor do the  
12     Petitioner present risks of flight that justify detention. Yet ICE continues to detain him in prison-  
13     like conditions, keeping him separated from his spouse, children, grandchildren, and other  
14     family members, and his community as well.  
15

16          5.     Petitioner is currently in removal proceedings after being apprehended by ICE in  
17     his San Diego residence recently. He is intending to pursue the relief of Cancellation of  
18     Removal for non-permanent residents under INA § 240A(b)(1). He is now detained at Otay  
19     Mesa Detention Center in San Diego, California.  
20

21          6.     Mr. Curiel-Castaneda brings this petition for a writ of habeas corpus to seek  
22     enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado*  
23     *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). He now faces unlawful  
24     detention because the Department of Homeland Security (DHS) and the Executive Office for  
25     Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on  
26     behalf of the certified class in *Maldonado Bautista v. Santacruz*.  
27  
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1           7.       On November 20, 2025, the district court granted partial summary judgment on  
2       behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and  
3       extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No.  
4       5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20,  
5       2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado*  
6       *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403,  
7       at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide  
8       Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting  
9       Petitioners' Motion for Partial Summary Judgment).

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

13           9.       Nonetheless, the Executive Office for Immigration Review and its subagency,  
14       the Immigration Court and the Department of Homeland Security (DHS) have blatantly  
15       refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be  
16       denied the opportunity to be released on bond.

17           10.      Mr. Curiel-Castaneda is a member of the Bond Eligible Class, as he:

- 18           a.       does not have lawful status in the United States and is currently detained at  
19           the Otay Mesa Detention Center. He was apprehended by immigration  
20           authorities on November 12, 2025;
- 21           b.       entered the United States without inspection over 18 years ago and was not  
22           apprehended upon arrival, *cf. id.*; and
- 23           c.       is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
- 24  
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1           11.     After apprehending Petitioner on November 12, 2025, the DHS placed him in  
2 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
3 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
4 without inspection.  
5

6           12.     The Court should expeditiously grant this petition.

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

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

19           15.     Because Respondents are detaining Petitioner in violation of the declaratory  
20 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one  
21 day, Respondent DHS must release Petitioner.  
22

23           16.     Alternatively, the Court should order Petitioner’s release unless Respondents  
24 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.  
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1 **CUSTODY**

2 17. Petitioner is currently in physical custody of ICE at the Otay Mesa Detention  
3 Center located in Otay Mesa, California. Petitioner is under the direct control and custody of  
4 Respondents and Respondent's agents.  
5

6 **JURISDICTION**

7 18. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
8 Otay Mesa Detention Center in San Diego, California.  
9

10 19. 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 20. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
15 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.  
16

17 **VENUE**

18 21. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,  
19 493- 500 (1973), venue lies in the United States District Court for the Southern District of  
20 California, the judicial district in which Petitioner currently is detained.  
21

22 22. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
23 Respondents are employees, officers, and agencies of the United States, and because a  
24 substantial part of the events or omissions giving rise to the claims occurred in the Southern  
25 District of California.  
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1  
2 32. Petitioner repeats, re-alleges, and incorporates by reference each and every  
3 allegation in the preceding paragraphs as if fully set forth herein.

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

6 34. The order granting partial summary judgment in *Maldonado Bautista* holds that  
7 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to  
8 class members.

9 35. The order granting class certification in *Maldonado Bautista* further orders that  
10 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
11 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

12 36. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
13 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
14 § 2201(a).

15 37. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is  
16 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory  
17 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

18  
19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 21 a. Assume jurisdiction over this matter;
- 22 b. Issue a writ of habeas corpus requiring that within one day, Respondents release  
23 Petitioner;
- 24 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
25 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
26 seven days;
- 27  
28

- 1 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
2 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
3 law; and  
4 e. Grant any other and further relief that this Court deems just and proper.  
5  
6

7 Dated: December 10, 2025

The Law Offices of Ian M. Seruelo

8  
9 /s/ Ian M. Seruelo

10 Ian M. Seruelo, Esq.  
11 ianmseruelo@gmail.com  
12 Counsel for the Plaintiff-Petitioner  
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2 **VERIFICATION BY ATTORNEY ACTING ON MR. EFRAIN MISAEL CURIEL-**  
3 **CASTANEDA’S BEHALF PURSUANT TO 28 U.S.C. §2242**  
4

5 I am submitting this verification on behalf of Mr. Efrain Misael Curiel-Castaneda  
6 because I am his attorney. As Mr. Curiel-Castaneda’s attorney, I hereby verify that the factual  
7 statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the  
8 best of my knowledge.  
9

10  
11  
12 Dated: December 10, 2025

The Law Offices of Ian M. Seruelo

13  
14 /s/ Ian M. Seruelo

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