IN THE UNITED STATES DISTRICT COURT
FOR THE SOUHTERN DISCTICT OF TEXAS
HOUSTON

Raul Antonio Barajas Soto,

Petitioner–Plaintiff

v.

KRISTI NOEM, U.S. Secretary of Homeland Security, in her official capacity;

PAM BONDI, U.S. Attorney General, in her official capacity;

DANIEL P. KINNICUTT, in his official capacity as Assistant Chief Immigration Judge for the Conroe, TX immigration court;

TODD LYONS, Acting Director of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

BRET BRADFORD, in his official capacity as acting Houston Field Office Director for U.S. Immigration and Customs Enforcement;

ALEXANDER SANCHEZ, in his official capacity as the Facility Administrator of the IAH Polk Adult Detention Facility;

Respondents–Defendants.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Raul Antonio Barajas Soto brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the IAH Polk County Adulty Detention Facility in Livingston, Texas. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

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

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to

abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

5. Petitioner Raul Antonio Barajas Soto is a member of the Bond Eligible Class, as he:

a. does not have lawful status in the United States and is currently detained at the IAH Polk County Adult Detention Facility in Livingston, Texas. He was apprehended by immigration authorities on October 1, 2025;

b. entered the United States without inspection over twenty (20) years ago and was not apprehended upon arrival, *cf. id.*; and

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

6. After apprehending Petitioner on October 1, 2025, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

7. The Court should expeditiously grant this petition.

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

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

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

11. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the IAH Polk County Adult Detention Facility in Livingston, Texas.

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

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

VENUE

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

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

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 Raul Antonio Barajas Soto is a citizen of Mexico who has been in immigration detention since October 1, 2025. After Petitioner was arrested in New Waverly, Texas, ICE did not set bond, and Petitioner requested review of his custody by an Immigration Judge (IJ). On October 31, 2025, Petitioner was denied bond by an IJ Billy Sapp at the Conroe Immigration Court because he was deemed an "applicant for admission", and therefore, the IJ stated he did not have jurisdiction to hear the bond application. Petitioner has resided in the United States since 2000.

20. Respondent Bradford is sued in his official capacity as the Field Office Director for ICE ERO in the Houston, Texas area. Respondent Bradford is a legal custodian of Mr. Barajas Soto and has authority to release him.

21. Respondent Lyons is sued in his official capacity as Acting Director of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

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

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

26. Respondent Kinnicutt is sued in his official capacity as Assistant Chief Immigration Judge for the Conroe, TX immigration court

27. Respondent Sanchez is sued in his official capacity as the Facility Administrator of the IAH Polk County Adult Detention Facility, and he has immediate physical custody of Mr. Barajas Soto pursuant to the facility's contract with DHS ICE to detain noncitizens. He is a legal custodian of Mr. Barajas Soto.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

28. Mr. Barajas Soto has exhausted his administrative remedies to the extent required by law.

29. Through counsel, Mr. Barajas Soto submitted a bond request with the Conroe Immigration Court on October 22, 2025. Due to the failure of DHS to notify EOIR by filing an I-830 Notice to EOIR: Address Change, the first bond hearing date set for Mr. Barajas Soto on October 27, 2025, could not proceed as Mr. Barajas Soto was not present, so the bond application was withdrawn. On October 27, 2025, after prompting from the Immigration Judge, DHS file the I-830 Notice to EOIR: Address Change. Through counsel, Mr. Barjas Soto re-filed the bond request with the Conroe Immigration Court on October 27, 2025, since DHS had updated the EOIR concerning the location of Mr. Barajas Soto so that his hearing could be set on a day when the court would hear IAH Polk County Adult Detention cases. Mr. Barajas Soto appeared by video for a custody redetermination hearing on October 31, 202, in which the immigration judge denied Mr. Barajas Soto a bond hearing due to lack of jurisdiction based in current BIA precedent. Thus, he remains detained.

30. On December 4, 2025, through counsel, Mr. Barajas Soto submitted new bond reconsideration request stating a material change in the law based on *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment). The Immigration Judge denied the request on December 5, 2025, thus stating in his denial order:

> "On October 31, 2025, the Court denied Respondent's request for a bond. Respondent has filed a request for a subsequent bond hearing. The Court denied the initial request because

Respondent is subject to mandatory custody under INA 235(b)(2). See also Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). The pertinent regulations expressly provide that: "[a]fter an initial bond redetermination, an alien's request for a subsequent bond redetermination shall be made in writing and shall be considered only upon a showing that the alien's circumstances have changed materially since the prior bond redetermination." 8 C.F.R. § 1003.19. Respondent requests a new bond hearing based on recent orders issued by the Federal District Court in Lazaro Maldonado Bautista et el v. Ernesto Santacruz Jr, et al., 5:cv-01873. On November 20, 2025, the District Court granted partial summary judgment finding that the BIA and DHS's interpretations of section 235 and 236 of the INA to be unlawful as to the named plaintiffs. On November 25, 2025, the District Court granted class certification in Bautista v. Santacruz to include "All noncitizens of 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 [INA 236(c)] or [241] at the time the Department of Homeland Security makes and initial custody determination." In the order certifying the class, the District Court made a part of the order "When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." ✓ ✓ It is clear from the terms of the class certification that the partial order for summary judgment applies to all class members. See Order Certifying Class, 14. However, where this order is not a final judgment, the order does not yet have binding effect and may be revisited or revised by the Court at any time. Fed. R. Civ. Pro. R. 54(b). Given the order entered by the Central District of California is an order for partial summary judgment, it is not a final

judgment and therefore not binding on the parties until a final judgment is entered. E.g. FDIC v. Massingill, 24 F.3d 768 (5th Cir. 1994); see Fed. R. Civ. Pro. R. 54(a) (defining a judgment as "an order from which an appeal lies). An order for partial summary judgment is not a final judgment because it is interlocutory in nature and has no res judicata effect. Id.; Fed. R. Civ. Pro. Rule 54(b); see also Calpetco 1981 v. Marshall Expl., Inc., 989 F.2d 1408, 1414 (5th Cir. 1993) ("Because a partial summary judgment is interlocutory in nature, the district court retains the discretion to revise it; and we review only for abuse of that discretion.") Accordingly, the Court finds that Matter of Yajure Hurtado remains in effect and this Court does not have jurisdiction over these bond proceedings. Thus, Respondent fails to show a material change in circumstances and his request for a subsequent bond hearing is denied."

31. Mr. Barajas Soto has fully cooperated with Respondents and has not delayed or obstructed his detention.

32. In reverse, Respondents have delayed and obstructed Mr. Barajas Soto's opportunity to seek release and to be heard by the immigration court.

33. Even if Respondents contend that Mr. Barajas Soto has not exhausted his administrative remedies because he did not, nor will not, appeal the IJ's denial of bond, the Court should waive the exhaustion requirement. Appealing the IJ's bond decision would be futile given that the BIA would not consider his appeal; the BIA is the same entity that issued the case that the IJ and DHS relied on to find that the immigration court did not have jurisdiction to redetermine Mr. Barajas Soto's custody. Thus, appealing that decision would have created an intolerable delay and would certainly result in the BIA affirming the IJ's bond decision. *See Shalala v. Ill. Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000).*

34. Mr. Barajas Soto's only remedy is by way of this judicial action.

CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

39. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

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

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Order Respondents not to remove the Petitioner from the jurisdiction of this Court for the entirety of proceedings;

c. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

d. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

e. Hold Respondents in Contempt of Court under 18 U.S.C. §§ 401-402 if the Court finds Respondent's actions meet what constitutes contempt under the statute. Request that any contempt finding by the Court against Respondents constitute imprisonment specifically for Respondents under the geographical area under the Court's jurisdiction;

f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

DATED this 12th of December 2025.

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