

1 Emily L. Robinson Esq. (SBN: 285343)
2 Law Office of Emily L. Robinson
3 5012 Eagle Rock Blvd.
4 Los Angeles, CA 90041
5 emily@lawofficeemilyrobinson.com
6 (323) 524-7611
7 (323) 524-4001

8 Counsel for Petitioner

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 DANIEL MARTINEZ RUIZ



12 Petitioner,

13 v.

14 Kristi NOEM, Secretary, Department of
15 Homeland Security; Todd LYONS, in his
16 official capacity as Acting Director of U.S.
17 Immigration and Customs Enforcement;
18 Pam BONDI, Attorney General of the
19 United States; J. ARCHAMBEAULT,
20 Director, San Diego Field Office,
21 Immigration and Customs Enforcement,
22 Enforcement and Removal Operations;
23 Jeremy CASEY, Warden, Imperial
24 Regional Detention Facility; EXECUTIVE
25 OFFICE FOR IMMIGRATION
26 REVIEW; IMMIGRATION AND
27 CUSTOMS ENFORCEMENT;
28 DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

Civil Case No.: '25CV3536 RBM BJW

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1 **INTRODUCTION**

2 1. Petitioner is a noncitizen who is detained at the Imperial immigration
3 detention facility in Calexico, California. He is in pending removal proceedings and is
4 charged with having entered the United States without inspection. 8 U.S.C. §
5 1182(a)(6)(A)(i).

6 2. He brings this petition for a writ of habeas corpus to seek enforcement of their
7 rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*,
8 No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).

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

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

21 5. Nonetheless, the Executive Office for Immigration Review and its subagency
22 the Immigration Court have blatantly refused to abide by the declaratory relief and have
23 issued a policy that the decision does not apply because the Court in *Maldonado Bautista*
24 has not issued a final judgment.

25 6. The policy states: that *Maldonado Bautista* granted class certification and
26 partial summary judgment for the plaintiffs in that case, but did not issue a class-wide
27 declaratory judgment or injunction. It further states that the *Maldonado Bautista* opinion
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1 and partial grant of summary judgment does not constitute a judgment and, therefore, does
2 not bind the immigration courts.

3 7. Based on this interpretation, immigration judges have informed class
4 members in bond hearings that they have been instructed by “leadership” that the
5 declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class
6 members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter*
7 *of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

8 8. Petitioner is a member of the certified class in *Maldonado Bautista*, as he was
9 brought to the United States physically at the age of 2 and is charged as having entered the
10 United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

11 9. Absent the application of class wide declaratory relief, he is ineligible for
12 bond based on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which holds that
13 individuals charged with having entered the United States without inspection are ineligible
14 for bond redetermination hearings before an immigration judge, relying on the statute at 8
15 U.S.C. § 1225(b)(2)(A). This is proven by the fact that following the Decision in the
16 Southern District on November 25, 2025, Petitioner sought a bond hearing. This was held
17 on November 28, 2025. In that hearing Immigration Judge Perry stated their guidance is
18 that *Yajure Hurtado* remains binding. She set a bond of \$2000 in the alternative but denied
19 for lack of jurisdiction.

20 10. Petitioner is detained in violation of the Court’s orders in *Maldonado*
21 *Bautista*.

22 11. Alternatively, his detention without permitting a fair and legally compliant
23 bond redetermination before an immigration judge is in violation of the general bond
24 provision at 8 U.S.C. § 1226(a).

25 12. As such, the Court should order that Respondents provide a bond hearing
26 before an immigration judge under 8 U.S.C. § 1226(a) within seven days.
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3 **JURISDICTION AND VENUE**

4 13. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute);
5 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United
6 States Constitution Article I, Section 9 (Suspension Clause).

7 14. Venue properly lies within the Central District of California under 28 U.S.C.
8 § 1391, because this is a civil action in which Respondents are agencies of the United
9 States, Petitioners are detained in this District, and a substantial part of the events or
10 omissions giving rise to this action occurred in the District.

11 **PARTIES**

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13 15. Petitioner, Daniel Martinez Ruiz, age 33, is in pending removal proceedings
14 and is currently detained at the Imperial immigration detention center in Calexico,
15 California.

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

20 17. Respondent Todd Lyons is the Acting Director of ICE and has authority over
21 the operations of ICE. In that capacity and through his agents, Respondent Lyons has broad
22 authority over the operation and enforcement of the immigration laws. Respondent Lyons
23 is sued in his official capacity.

24 18. Respondent Pam Bondi is the Attorney General of the United States. She is
25 responsible for the Department of Justice and is sued in her official capacity.

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

4 20. Respondent Jeremy Casey is the Warden of the Imperial Regional Detention
5 Facility, Calexico, California, where certain Petitioners are detained. He has immediate
6 physical custody of Petitioners. He is sued in his official capacity.

7 LEGAL BACKGROUND

8
9 21. The Immigration and Nationality Act (INA) prescribes three basic forms of
10 detention for noncitizens in removal proceedings.

11 22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-
12 expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. § 1229a.
13 Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their
14 detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been
15 arrested, charged with, or convicted of certain crimes are subject to mandatory detention,
16 see 8 U.S.C. § 1226(c).

17 23. Second, the INA provides for mandatory detention of noncitizens subject to
18 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking
19 admission referred to under § 1225(b)(2).

20 24. Last, the Act also provides for detention of noncitizens who have been
21 previously ordered removed, including individuals in withholding-only proceedings, see
22 8 U.S.C. § 1231(a)–(b).

23 25. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

24 26. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part
25 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,
26 Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583,
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1 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken
2 Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

3 27.Following enactment of the IIRIRA, EOIR drafted new regulations explaining
4 that, in general, people who entered the country without inspection were not considered
5 detained under § 1225 and that they were instead detained under § 1226(a). See
6 Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens;
7 Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323
8 (Mar. 6, 1997).

9 28.Thus, in the decades that followed, most people who entered without
10 inspection—unless they were subject to some other detention authority—received bond
11 hearings. That practice was consistent with many more decades of prior practice, in
12 which noncitizens who were not deemed “arriving” were entitled to a custody hearing
13 before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep.
14 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
15 authority previously found at § 1252(a)).

16 29.On September 5, 2025, the Board of Immigration Appeals issued a precedent
17 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), finding that
18 noncitizens who entered the United States without inspection were ineligible for bond
19 redetermination hearings because they were seeking admission, and fell within 8 U.S.C.
20 § 1225(b)(2)(A).

21 30.This legal theory that noncitizens who entered the United States without
22 admission or parole are ineligible for bond hearings has been universally rejected by the
23 district courts. *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at
24 *9 (W.D. Wash. Sept. 30, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM),
25 2025 WL 2591530, at *3 (C.D. Cal. Sept. 8, 2025); *Guzman v. Andrews*, No. 1:25-CV-
26 01015-KES-SKO (HC), 2025 WL 2617256, at *9 (E.D. Cal. Sept. 9, 2025); *Vasquez*
27 *Garcia v. Noem*, 3:25-cv-02180-DMS-MMP (SD. Cal. Sept. 3, 2025); *Benitez v. Noem*,
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1 No. 5:25-cv-02190-RGK-AS) C.D. Cal. Aug. 26, 2025); *Arrazola Gonzalez v. Noem*,
2 5:25-cv-01789-ODW-DFM (C.D. Cal. Aug. 15, 2025); *Maldonado Bautista v.*
3 *Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Carmona-Lorenzo v.*
4 *Trump*, No. 4:25CV3172, 2025 WL 2531521, at *2 (D. Neb. Sept. 3, 2025); *Perez v.*
5 *Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025); *Lopez-Campos*
6 *v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025);
7 *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670, at *6 (D. Minn.
8 Aug. 27, 2025); *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136, at *3 (W.D.
9 La. Aug. 27, 2025) *Rodriguez v. Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025).

10 31.The Board’s interpretation defies the INA. The plain text of the statutory
11 provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

12 32.Section 1226(a) applies by default to all persons “pending a decision on
13 whether the [noncitizen] is to be removed from the United States.” These removal
14 hearings are held under § 1229a, which “decid[e] the inadmissibility or deportability of
15 a[] [noncitizen].”

16 33.The text of § 1226 also explicitly applies to people charged as being
17 inadmissible, including those who entered without inspection. See 8 U.S.C. §
18 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default,
19 such people are afforded a bond hearing under subsection (a). Section 1226 therefore
20 leaves no doubt that it applies to people who face charges of being inadmissible to the
21 United States, including those who are present without admission or parole.

22 34.By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
23 recently entered the United States. The statute’s entire framework is premised on
24 inspections at the border of people who are “seeking admission” to the United States. 8
25 U.S.C. § 1225(b)(2)(A).

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2 *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81 at 12.
3 This is a rejection of the Board’s decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216,
4 229 (BIA 2025) (“The Immigration Judge properly held that he lacked authority to hear
5 the respondent's request for a bond as the respondent is an applicant for admission and is
6 subject to mandatory detention under section 235(b)(2)(A) of the INA, 8 U.S.C. §
7 1225(b)(2)(A)...”). As such, the legal ruling that a noncitizen who entered without
8 inspection is subject to 8 U.S.C. § 1225(b)(2) was rejected in *Maldonado Bautista*.

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10 38. That legal ruling now applies nationwide to all noncitizens who entered
11 without inspection and meet the class definition which was certified on November 25,
12 2025 in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt
13 # 82. The class is defined as:

14 All noncitizens in the United States without lawful status who (1) have entered or
15 will enter the United States without inspection; (2) were not or will not be
16 apprehended upon arrival; and (3) are not or will not be subject to detention under
17 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of
18 Homeland Security makes an initial custody determination.

19 Dkt # 82 at 2.

20 39. Further, the November 25, 2025, Order confirms that the court’s prior
21 November 20, 2025 order on partial summary judgment applies to the nationwide
22 class. The court stated explicitly “[w]hen considering this determination with the MSJ
23 Order, the Court extends the same declaratory relief granted to Petitioners to the Bond
24 Eligible Class as a whole.” Dkt # 82 at 14. As such, the Court’s November 20, 2025
25 ruling on partial summary judgment that noncitizens who entered without inspection
26 are eligible for bond hearings before the immigration judge under 8 U.S.C. § 1226(a)
27 applies nationwide.
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1 44. Petitioner repeats, re-alleges, and incorporate by reference each and every
2 allegation in the preceding paragraphs as if fully set forth herein.

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

5 46. The order granting partial summary judgment in *Maldonado Bautista v.*
6 *Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), holds that Respondents violate the
7 INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

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

14 49. By denying Petitioner a bond hearing under § 1226(a) because Petitioner
15 entered without inspection and are therefore subject to mandatory detention under
16 § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the
17 Court’s judgment in *Maldonado Bautista*.

18
19 **COUNT II**

20 **Violation of 8 U.S.C. § 1226(a)**

21 ***Unlawful Denial of Bond Hearing***

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

24 51. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
25 noncitizens residing in the United States who are subject to the grounds of
26 inadmissibility because they previously entered the country without being admitted or
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1 paroled. Such noncitizens are detained under § 1226(a), unless they are subject to
2 another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.

3 52.The application of § 1225(b)(2) to bar Petitioners from receiving a bond
4 redetermination hearing before an immigration judge violates the Immigration and
5 Nationality Act.
6

7 **COUNT III**

8 ***Violation of the Administrative Procedure Act***

9 ***Unlawful Denial of Bond***

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

12 54.The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
13 noncitizens residing in the United States who are subject to the grounds of
14 inadmissibility because they originally entered the United States without inspection or
15 parole. Such noncitizens are detained under § 1226(a), unless they are subject to another
16 detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

17 55.The application of § 1225(b)(2) to bar Petitioner from receiving a bond
18 redetermination hearing before an immigration judge is arbitrary, capricious, and not in
19 accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).
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21 **COUNT IV**

22 ***Violation of Procedural Due Process***

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

25 57.The government may not deprive a person of life, liberty, or property without
26 due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from
27 government custody, detention, or other forms of physical restraint—lies at the heart of
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1 the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct.
2 2491, 150 L.Ed.2d 653 (2001).

3 58. Petitioners have a fundamental interest in liberty and being free from official
4 restraint.

5 59. The government’s detention of Petitioners without a bond redetermination
6 hearing to determine whether they are a flight risk or danger to others violates his right
7 to due process.

8
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioners respectfully request that this Court:

- 11
12 a. Assume jurisdiction over this matter;
13 b. Declare that the refusal to allow Petitioner a full and fair bond redetermination
14 hearing before an immigration judge violates the INA, APA, and Due Process;
15 c. Issue a writ of habeas corpus requiring that Defendants release Petitioner pursuant
16 to Immigration Judge Perry’s alternate order of \$2000 or provide him the full, fair
17 and legally compliant bond hearing to which they are entitled within 7 days;
18 d. Award reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice
19 Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
20 e. Order further relief as this Court deems just and appropriate.

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22 Dated: December 11, 2025

Respectfully Submitted,

23
24 S/ Emily L. Robinson
25 Emily L. Robinson SBN: 285343
26 Law Office of Emily L. Robinson
27 5012 Eagle Rock Blvd.
28 Los Angeles, CA 90041
Counsel for Petitioner

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