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Counsel for Petitioner

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF CALIFORNIA

DANIEL MARTINEZ RUIZ



Petitioner,

vs.

Kristi NOEM, Secretary, Department of  
Homeland Security; Todd LYONS, in his official  
capacity as Acting Director of U.S. Immigration  
and Customs Enforcement; Pam BONDI,  
Attorney General of the United States; J.  
ARCHAMBEAULT,  
Director, San Diego Field Office,  
Immigration and Customs Enforcement,  
Enforcement and Removal Operations;  
Jeremy CASEY, Warden, Imperial  
Regional Detention Facility; EXECUTIVE  
OFFICE FOR IMMIGRATION  
REVIEW; IMMIGRATION AND  
CUSTOMS ENFORCEMENT;  
DEPARTMENT OF HOMELAND  
SECURITY,

Respondents

Case No. 25-cv-3536-RBM-  
BJW

*REPLY TO OPPOSITION AND  
RESPONSES'  
SUPPLEMENTAL RESPONSE  
TO PETITION*

1 On December 18, 2025, new authority relevant to this case was issued in  
2 *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.) granting  
3 in part and denying in part Petitioners’ Ex Parte Application for Reconsideration or  
4 Classification. Dkt. No. 92, Dec. 18, 2025. The order states in relevant part:

5  
6 “The Court, therefore, DENIES Petitioners’ Application to Reconsider relief  
7 pertaining to *Yajure Hurtado*. Nevertheless, the Court observes that the core  
8 holding of *Yajure Hurtado* cannot be squared with the MSJ Order. See  
9 *Yajure-Hurtado*, 29 I. & N. Dec. at 220–28 (subjecting noncitizens present in  
10 the United States without inspection to § 1225 and denying them bond  
11 hearings for lack of jurisdiction). In spite of *Yajure Hurtado*, this Court  
12 determined that Petitioners and those similarly situated are not “applicants  
13 for admission,” and therefore not subject to mandatory detention under §  
14 1225. [MSJ Order at 12–17]. See *Loper Bright Enters. v. Raimondo*, 603  
15 U.S. 369, 398–99 (2024) (requiring courts “to ignore, not follow, ‘the  
16 reading the court would have reached’ had it exercised its independent  
17 judgment). Although the MSJ Order does not grant vacatur of *Yajure  
18 Hurtado* under the APA, *Yajure Hurtado* is no longer controlling; the legal  
19 conclusion underlying the decision is no longer tenable.”

20 Dkt. 92 at 6.

21 “Finding no just reason for delay, the Court GRANTS Petitioners’  
22 Application to Reconsider as to the previous denial of final judgment. The  
23 Court hereby ENTERS final judgment in this action as to Counts I [Violation  
24 of 8 U.S.C. § 1226(a) - Unlawful Denial of Release on Bond], II [Violation  
25 of Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19 - Unlawful  
26 Denial of Release on Bond], and III [Violation of Administrative Procedure  
27 Act – Contrary to Law and Arbitrary and Capricious Agency Policy] of the  
28 Amended Class Complaint.”

29 Dkt. 92 at 11.

1           On December 19, 2025, Respondents' Counsel filed a supplemental  
2 response, wherein they concede Petitioner is entitled to an order from this Court  
3 directing a bond hearing pursuant to 8 U.S.C. § 1226(a). Dkt. 7.  
4

5           **PETITIONER SHOULD BE GRANTED IMMEDIATE RELEASE**

6           Petitioner filed this Writ of Habeas Corpus and Request for Relief following  
7 a bond hearing before the Hon. IJ Perry sitting in Imperial, California. The hearing  
8 was held on November 28, 2025. At that hearing undersigned Counsel represented  
9 Petitioner. Judge Perry opened the hearing acknowledging internal guidance  
10 requiring her not to follow the November 25, 2025, decision by Judge Sykes in  
11 *Maldonado Baustista* and that she was required to continue to find she has no  
12 jurisdiction to entertain bond hearings. Decl. of Emily L. Robinson, Dkt. 2-2 at  
13 Para. 8. Nonetheless, she proceeded to hold a bond hearing to issue a decision in  
14 the alternative should jurisdiction later be found. After hearing from Counsel and  
15 Petitioner and reviewing the over 100-page evidentiary submission, IJ Perry stated  
16 she would have ordered a bond amount of \$2000 with alternatives to detention  
17 should she not have been divested of power to do so. *Id.* at Para. 9. The  
18 Government has not contested these facts, nor made any arguments regarding  
19 Petitioner having negative equities.  
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1           Petitioner has already presented his evidence, and it has been found that he is  
2 not a flight risk or a danger. As presented throughout the filings, he is a person of  
3 exceptional character with family waiting for him. His four-year-old son, U.S.  
4 Citizen spouse, U.S. Citizen siblings and other family are suffering in his absence.  
5

6           Although Respondents concede in their December 19, 2025, briefing that  
7 Petitioner is entitled to a bond hearing, a custody re-determination has already  
8 occurred in this case. The record already establishes that detention is unnecessary,  
9 continued detention serves no lawful purpose other than to be unduly punitive. As  
10 argued, “Freedom from imprisonment—from government custody, detention, or  
11 other forms of physical restraint—lies at the heart of the liberty” that the Due  
12 Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention  
13 constitutes “a loss of liberty that is . . . irreparable.” *Moreno Galvez v. Cuccinelli*,  
14 492 F. Supp. 3d 1169, 1181 (W.D. Wash. 2020) (Moreno II), *aff’d in part, vacated*  
15 *in part on other grounds, remanded sub nom. Moreno Galvez v. Jaddou*, 52 F.4<sup>th</sup>  
16 821 (9th Cir. 2022). Under these circumstances, immediate release is the  
17 appropriate remedy.

18           This fits squarely within the procedural and due process protections to which  
19 Petitioner is entitled. Every day he remains detained he suffers increasing  
20 irreparable harm. This Court has the authority to order direct release with the  
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conditions offered to him should IJ Perry have assumed jurisdiction in compliance with well-established law on November 28, 2025. Petitioner therefore renews his request to be directly released following payment of a bond in the amount of \$2000 with alternatives to detention at the Government's discretion in time for him to reunite with his family before the holidays.

**RESPECTFULLY SUBMITTED this 19th day of December, 2025**

**/s/ Emily L. Robinson**  
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