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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF TEXAS  
4 HOUSTON DIVISION

5 PEREZ-ESTIU, Ana Maria,

6 Petitioner,

Case No. 4:25-cv-5976

7 v.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

8 Gabriel MARTINEZ, Field Office Director of  
9 Enforcement and Removal Operations, Houston  
10 Field Office, Immigration and Customs  
11 Enforcement; Kristi NOEM, Secretary, U.S.  
12 Department of Homeland Security; U.S.  
13 DEPARTMENT OF HOMELAND  
14 SECURITY; Pamela BONDI, U.S. Attorney  
15 General; EXECUTIVE OFFICE FOR  
16 IMMIGRATION REVIEW; Christopher  
17 STRICKLAND, Warden of Montgomery  
18 Processing Center,

19 Respondents.  
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1 INTRODUCTION

2 1. Petitioner Ana Maria Perez-Estiu brings this petition for a writ of habeas corpus  
3 to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado*  
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical  
5 custody of Respondents at the Montgomery Processing Center. She now faces unlawful  
6 detention because the Department of Homeland Security (DHS) and the Executive Office for  
7 Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf  
8 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  
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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 Ana Maria Perez-Estiu is a member of the Bond Eligible Class, as she:

- 4 a. does not have lawful status in the United States and is currently detained at the  
5 Montgomery Processing Center. She was apprehended by immigration authorities  
6 on November 20, 2025.  
7 b. entered the United States without inspection on December 30, 2021 and was  
8 apprehended upon arrival but immediately released, *cf. id.*; and  
9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on July 13, 2019, the DHS placed her in removal  
11 proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as 8 U.S.C §  
12 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

13 7. The Court should expeditiously grant this petition.

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

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

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

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

3 **JURISDICTION**

4 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
5 Montgomery Processing Center in Conroe, TX.

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

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

11 **VENUE**

12 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
13 500 (1973), venue lies in the United States District Court for the Southern District of Texas, the  
14 judicial district in which Petitioner is currently detained.

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

19 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

5 **PARTIES**

6 19. Petitioner Ana Maria Perez-Estiu is a citizen of Cuba who has been in  
7 immigration detention since November 20, 2025. After Petitioner was arrested in Houston, TX,  
8 ICE did not set bond, and Petitioner requested review of his custody by an IJ. On December 4,  
9 2025, Petitioner was denied bond by an Immigration Judge at the Conroe Immigration Court  
10 because she was deemed an “applicant for admission.” Petitioner has resided in the United States  
11 since December 30, 2021.

12 20. Respondent Gabriel Martinez is the Director of the Houston Field Office of  
13 ICE’s Enforcement and Removal Operations division. As such, Gabriel Martinez is Petitioner’s  
14 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in  
15 his official capacity.

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

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

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

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

8 25. Respondent Chris Strickland is employed by the GEO Group as Warden of the  
9 Montgomery Processing Center, where Petitioner is detained. He has immediate physical  
10 custody of Petitioner. He is sued in his official capacity.

11 **CLAIM FOR RELIEF**

12 **Violation of the INA:**

13 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

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

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

24 30. 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).

