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6 UNITED STATES DISTRICT COURT
7 FOR THE MIDDLE DISTRICT OF GEORGIA
8 COLUMBUS DIVISION

9 Oseas ORTIZ-ROBLERO,

Petitioner,

Case No. 25-CV-00473

10 v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

11 Sean ERVIN, Field Office Director of
12 Enforcement and Removal Operations, Atlanta
Field Office, Immigration and Customs
13 Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
14 DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
15 General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Jason Streeval,
16 Warden of STEWART DETENTION
CENTER,

17 Respondents.
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1 INTRODUCTION

2 1. Petitioner Oseas ORTIZ-ROBLERO brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the
5 physical custody of Respondents at the Stewart Detention Center. He 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 Oseas ORTIZ-ROBLERO is a member of the Bond Eligible Class, as
4 he:

5 a. does not have lawful status in the United States and is currently detained at the
6 Stewart Detention Center. He was apprehended by immigration authorities on
November 12, 2025;

7 b. entered the United States without inspection on February 10, 2000, over twenty-
five years ago and was not apprehended upon arrival, *cf. id.*; and

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

9 6. After apprehending Petitioner on November 12, 2025, the DHS placed him in
10 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
11 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
12 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 his 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).

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

4 11. Respondent appeared from an IJ on December 12, 2025 and bond was only denied
5 citing lack of jurisdiction under *Matter of Hurtado*, exactly the circumstance intended to be
6 remedied by the *Maldonado Bautista* declaratory judgement.

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

9 **JURISDICTION**

10 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
11 Stewart Detention Center in Lumpkin, Georgia.

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

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

17 **VENUE**

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

21 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
22 Respondents are employees, officers, and agencies of the United States, and because a
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1 substantial part of the events or omissions giving rise to the claims occurred in the Middle
2 District of Georgia.

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

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

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

12 **PARTIES**

13 20. Petitioner Oseas ORTIZ-ROBLERO is a citizen of Guatemala who has been in
14 immigration detention since November 12, 2025. After Petitioner was taken into custody in
15 Cartersville, Georgia through a routine checkpoint for a commercial vehicle, ICE did not set
16 bond, and Petitioner requested review of his custody by an IJ. On December 12, 2025, Petitioner
17 was denied bond by an IJ at the Stewart Immigration Court because he was deemed an “applicant
18 for admission” and held pursuant to *Matter of Hurtado*. Petitioner has resided in the United
19 States since February 10, 2000.

20 21. Respondent Sean ERVIN is the Director of the Atlanta Field Office of ICE’s
21 Enforcement and Removal Operations division. As such, Sean ERVIN is Petitioner’s immediate
22 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
23 capacity.

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

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

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

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

15 26. Respondent Jason Streeval is employed by CoreCivic as Warden of the Stewart
16 Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner.
17 He is sued in his official capacity.

18 **CLAIM FOR RELIEF**

19 **Violation of the INA:**

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

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

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

1 DATED this 12th day of December, 2025.

2 By: /s/ Anthony L. Kozycki, Esq.
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