

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

Jordan RAMIREZ QUINTANA

Petitioner,

v.

Robert LYNCH, Field Office Director of
Enforcement and Removal Operations, Detroit
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Todd LYONS, Acting Director of
U.S. Immigration and Customs Enforcement;
Pamela BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW; Richard JONES, Warden of Butler
County Jail.

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Jordan Ramirez Quintana 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 Butler County Jail in Hamilton, Ohio. 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 September 5, 2025 the Board of Immigration Appeals (“Board” or “BIA”) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

3. Petitioner’s detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

4. 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-

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

7 5. The declaratory judgment held that the Bond Denial Class members are detained
8 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
9 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

10 6. Nonetheless, the Executive Office for Immigration Review and its subagency the
11 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
12 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
13 opportunity to be released on bond.

14 7. Petitioner Jordan Ramirez Quintana is a member of the Bond Eligible Class, as
15 he:

- 16 a. does not have lawful status in the United States and is currently detained at the
17 Butler County Jail in Hamilton, Ohio. He was apprehended by immigration
18 authorities on November 3, 2025;
19 b. entered the United States without inspection over 25 years ago and was not
20 apprehended upon arrival, *cf. id.*; and
21 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

22 8. After apprehending Petitioner on November 3, 2025 the DHS placed him in
23 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
24 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
without inspection.

9. The Court should expeditiously grant this petition.

10. 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.

11. On December 10, 2025, the Immigration Judge held a bond hearing for the Petitioner. The Immigration Judge determined that the Order in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

12. The IJ found, in the alternative, that in the event the IJ was determined to have jurisdiction, she would have set a \$35,000 bond.

13. 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.

14. Alternatively, the Court should order Petitioner's release upon payment of a \$35,000 bond in accordance with the IJ's alternative order within three days, or else release the Petitioner.

15. 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

16. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Butler County Jail in Hamilton, Ohio.

1 23. Petitioner Jordan Ramirez Quintana is a citizen of Mexico who has been in
2 immigration detention since November 3, 2025. On that date, Petitioner was taken into DHS/ICE
3 custody and transferred to the Butler County Jail in Hamilton, Ohio. After Petitioner was
4 arrested, ICE did not set bond, and Petitioner requested review of his custody by an Immigration
5 Judge. On December 10, 2025 Petitioner was denied bond by an IJ at the Cleveland Immigration
6 Court because he was deemed an “applicant for admission.” Petitioner has resided in the United
7 States since approximately 2000.

8 24. Respondent Robert Lynch is the Director of the Detroit Field Office of ICE’s
9 Enforcement and Removal Operations division. As such, Robert Lynch is Petitioner’s immediate
10 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
11 capacity.

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

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

19 27. Respondent Todd Lyons is named in his official capacity as Acting Director of
20 ICE. As the head of ICE, he is responsible for decisions related to the detention and removal of
21 certain noncitizens, including Petitioner. As such, he is also a legal custodian of Petitioner.

22 28. Respondent Pamela Bondi is the Attorney General of the United States. She is
23 responsible for the Department of Justice, of which the Executive Office for Immigration Review
24

1 and the immigration court system it operates is a component agency. She is sued in her official
2 capacity.

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

6 30. Respondent Richard Jones is sued in his official capacity as Warden of the Butler
7 County Jail where Petitioner is detained. Mr. Jones has immediate physical custody of petitioner.

8 **LEGAL FRAMEWORK**

9 31. The INA prescribes three basic forms of detention for the vast majority of
10 noncitizens in removal proceedings.

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

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

19 34. Last, the INA also provides for detention of noncitizens who have been ordered
20 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

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

22 36. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
23 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.

1 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section
2 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,
3 139 Stat. 3 (2025).

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

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

16 39. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
17 rejected well-established understanding of the statutory framework and reversed decades of
18 practice.

19 40. The new policy, entitled “Interim Guidance Regarding Detention Authority for
20 Applicants for Admission,”¹ claims that all persons who entered the United States without
21 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
22

23 _____
24 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 policy applies regardless of when a person is apprehended, and affects those who have resided in
2 the United States for months, years, and even decades.

3 41. On September 5, 2025, the BIA adopted this same position in a published
4 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
5 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
6 ineligible for IJ bond hearings.

7 42. Since Respondents adopted their new policies, dozens of federal courts have
8 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
9 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

10 43. Subsequently, court after court has adopted the same reading of the INA's
11 detention authorities and rejected ICE and EOIR's new interpretation. *Echevarria v. Bondi, et*
12 *al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *see also*
13 *Quinapanta v. Bondi*, 2025 WL 3157867, *6 (W.D. Wisc. 2025) (“[M]ore than 45 district courts
14 have now rejected similar arguments made by respondents here and ordered bond hearings for
15 noncitizens who, like petitioner, were apprehended within the United States years after entering
16 without admission or inspection unless implicated by any criminal activity covered by § 1226(c).
17 These decisions, along with a growing number of others now including this court have concluded
18 that the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for
19 the past three decades support its application to noncitizens in petitioner's position.”).

20 44. The overwhelming majority of courts have rejected DHS's and EOIR's new
21 interpretation because it defies the INA. The plain text of the statutory provisions demonstrates
22 that § 1226(a), not § 1225(b), applies to people like Petitioner.

1 45. Section 1226(a) applies by default to all persons “pending a decision on whether
2 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
3 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

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

10 47. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
11 recently entered the United States. The statute’s entire framework is premised on inspections at
12 the border of people who are “seeking admission” to the United States. 8 U.S.C.
13 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
14 applies “at the Nation’s borders and ports of entry, where the Government must determine
15 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
16 U.S. 281, 287 (2018).

17 48. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not
18 apply to people like Petitioner, who have already entered and were residing in the United States
19 at the time they were apprehended.

20 49. Recognizing this, the court in *Maldonado Bautista v. Santacruz* issued an order
21 granting partial summary judgment to Plaintiffs and certified a nationwide Bond Eligible Class,
22 incorporating and extending its summary judgment order to that class. *Maldonado Bautista v.*
23 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D.
24

1 Cal. Nov. 20, 2025) (order granting Partial Summary Judgment); *Maldonado Bautista v.*
2 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
3 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
4 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
5 Motion for Partial Summary Judgment).

6 50. As a Bond Eligible Class Member, Petitioner is detained under 8 U.S.C. §
7 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A).
8 *Maldonado Bautista*, 2025 WL 3289861, at *11.

9 **FACTS**

10 51. Petitioner Jordan Ramirez Quintana has resided in the United States since
11 approximately 2000 and lives in Columbus, Ohio.

12 52. On November 3, 2025 Petitioner was arrested by ICE agents and detained at the
13 Butler County Jail in Hamilton, Ohio.

14 53. DHS placed Petitioner in removal proceedings before the Cleveland Immigration
15 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being
16 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
17 without inspection.

18 54. Petitioner is married and has two U.S. Citizen children. He is the primary source
19 of income for his household and has maintained employment throughout his time in the United
20 States primarily as a restaurant worker. He has no criminal history, no record of immigration
21 absences or failures to appear, and no history that would suggest he is either a flight risk or a
22 danger to the community.

63. 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).

64. 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*.

COUNT II
Violation of the INA

65. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

66. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

67. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT III
Violation of the Bond Regulations

68. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

69. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered

1 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
2 (emphasis added). The agencies thus made clear that individuals who had entered without
3 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
4 1226 and its implementing regulations.

5 70. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
6 practice of applying § 1225(b)(2) to individuals like Petitioner.

7 71. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
8 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

9 **COUNT IV**
Violation of Due Process

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

12 73. The government may not deprive a person of life, liberty, or property without due
13 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
14 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
15 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

16 74. Petitioner has a fundamental interest in liberty and being free from official
17 restraint.

18 75. The government’s detention of Petitioner without a bond redetermination hearing
19 to determine whether he is a flight risk or danger to others violates his right to due process.

20 **PRAYER FOR RELIEF**

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

- 22 a. Assume jurisdiction over this matter;
23 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
24 Petitioner;

- 1 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
2 Petitioner upon payment of a \$35,000 bond in accordance with the IJ's alternative
3 order within three days;
- 4 d. Alternatively, issue a writ of habeas corpus requiring Petitioner's release unless
5 Respondents provide a bond hearing in accordance with 8 U.S.C. § 1226(a)
6 within seven days.
- 7 e. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
8 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
9 law; and
- 10 f. Grant any other and further relief that this Court deems just and proper.

11 DATED this 12th day of December, 2025.

12 s/ David L. Dawson
13 David L. Dawson, Esq.
14 Simakovsky Law
15 1450 East Main Street
16 Columbus, OH 43215
17 Phone: 614-695-4605
18 Email: dawson@simakovskylaw.com

19 *Attorney for Petitioner*

20 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

21 I represent Petitioner, Jordan Ramirez Quintana, and submit this verification on his
22 behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of
23 Habeas Corpus are true and correct to the best of my knowledge.

24 Dated this 12th day of December, 2025.

s/ David L. Dawson
David L. Dawson, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2025, I electronically filed the foregoing "PETITION FOR WRIT OF HABEAS CORPUS" and all accompanying documents with the Court Clerk using the CM/ECF System which will send notification of the filing to the following and also submitted a copy to the following via USPS Certified Mail:

Robert LYNCH, Director, Detroit Field Office, U.S. Immigration and Customs Enforcement
333 Mt. Willott Street
Detroit, MI 48207

Kristi NOEM, Secretary of the U.S. Department of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Pamela Bondi, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Richard Jones, Sheriff of Butler County
Butler County Jail
705 Hanover Street
Hamilton, OH 45011

Respectfully submitted,

/s/ David L. Dawson
David L. Dawson, Esq.
Simakovsky Law
1450 East Main Street
Columbus, OH 43215
Phone: 614-695-4605
Email: dawson@simakovskylaw.com
Attorney for Petitioner