

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**JACOBO ALONZO-LORENZO,**

Petitioner,

v.

**KRISTI NOEM**, in her official capacity as Secretary of the Department of Homeland Security; **PAMELA BONDI**, in her official capacity as Attorney General of the United States; **TODD LYONS**, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; **SCOTT LADWIG** in his official Capacity as Field Office Director, U.S. Immigration and Customs Enforcement New Orleans Field Office, **JOHN DOE**, in his official as Warden of River Correctional Center;

*Respondents.*

Case No. \_\_\_\_\_

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1. Petitioner Jacobo Alonzo-Lorenzo brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is currently in the physical custody of Respondents at River Correctional Center, 26362 HWY-15, Ferriday, Louisiana 71334. 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 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-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at 11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at 9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class and extending declaratory judgment from the Order Granting Petitioners' Motion for Partial Summary Judgment).
3. The declaratory judgment held that Bond Denial Class members, including Petitioner, are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at 11.
4. Nonetheless, the Executive Office for Immigration Review and its sub-agency, the Immigration Court, along with the Department of Homeland Security ("DHS"), have blatantly refused to abide by the declaratory relief and have unlawfully denied Petitioner

- the opportunity to be released on bond despite his clear eligibility under § 1226(a) and his inclusion within the certified Bond Denial Class.
5. Petitioner Jacobo Alonzo-Lorenzo is a member of the Bond Eligible Class, as he:
    - a. Does not have lawful status in the United States and is currently detained at River Correctional Center, Ferriday, Louisiana. He was apprehended by immigration authorities on September 26, 2025.
    - b. Entered the United States without inspection over twenty-one (21) years ago and was not apprehended upon arrival, cf. *id.*; and;
    - c. Is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
  6. After apprehending Petitioner on September 26, 2025, DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.
  7. The Court should expeditiously grant this petition.
  8. 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.
  9. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment 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).

10. 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.
11. 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

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at River Correctional Center, Ferriday, Louisiana.
13. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges the legality of his ongoing civil immigration detention and seeks relief that is within the traditional scope of habeas corpus. Jurisdiction also lies under 28 U.S.C. § 1331, as this petition raises federal questions arising under the Constitution, laws, and treaties of the United States. The Suspension Clause of the United States Constitution further guarantees Petitioner's right to seek habeas corpus review where no other adequate remedy exists.
14. The Court may grant relief under the *habeas corpus* statutes, 28 U.S.C. § 2241, et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201, et seq., and the All Writs Act, 28 U.S.C. § 1651. Congress has preserved judicial review of challenges to mandatory immigration detention. *See, e.g., Nielsen v. Preap*, 139 S. Ct. 954, 961-62 (2019); *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (distinguishing reviewable statutory claims from unreviewable discretion under 8 U.S.C. § 1226(e)).
15. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516-17

(2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same); *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas.”).

16. Although 8 U.S.C. § 1226(e) bars review of the Attorney General's discretionary judgments in releasing or detaining aliens, it does not preclude judicial review of questions of law or constitutional claims arising from immigration detention. Petitioner is not asking this Court to second-guess an immigration judge's discretionary bond determination; rather, he challenges the Department of Homeland Security's legal authority to subject him to mandatory detention in the first place, and the constitutionality of his prolonged detention without bond. Such claims are squarely within the scope of habeas review. Indeed, the Supreme Court and Tenth Circuit have long recognized that federal courts retain habeas jurisdiction to review the statutory and constitutional bases of immigration detention despite jurisdiction-stripping provisions, as such review is a core Great Writ function. *See Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).
17. No petition for a writ of habeas corpus has previously been filed in any court regarding Petitioner.

#### VENUE

18. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Western District of Louisiana, the judicial district in which Petitioner currently is detained.
19. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part

of the events or omissions giving rise to the claims occurred in the Western District of Louisiana.

**REQUIREMENTS OF 28 U.S.C. § 2243**

20. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.
21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

**PARTIES<sup>1</sup>**

22. Petitioner Jacobo Alonzo-Lorenzo is a citizen of Mexico who has been in immigration detention since September 26, 2025. After Petitioner was arrested in Fort Myers, Florida, ICE did not set bond, and Petitioner requested review of his custody by an Immigration Judge. On November 26, 2025, Petitioner was denied bond by an Immigration Judge at the LaSalle Immigration Court in Jena, Louisiana because he was deemed an “applicant for admission.” Petitioner has resided in the United States since January 2004.

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<sup>1</sup> In *Rumsfeld v. Padilla*, the Supreme Court addressed the identity of the proper respondent to a § 2241 habeas petition filed by a U.S. citizen challenging his detention as an enemy combatant. 542 U.S. 426 (2004). The Court held that the only appropriate respondent for a traditional habeas corpus petition involving a “core challenge” to “present physical confinement” is the individual’s “immediate custodian,” meaning the person in charge of the facility where the individual is being held *Id.* at 435. In that case, the immediate custodian was the commanding officer in charge of the naval brig where the petitioner was physically held. *Id.* at 442. The Supreme Court also made it clear that it would not address who the proper respondent would be for a petition filed by a noncitizen “detained pending deportation.” The Court noted a disagreement among different circuit courts regarding whether the Attorney General is a proper respondent to a habeas petition in such cases and stated, “Because the issue is not before us today, we again decline to resolve it” *Id.* at 435 n.8.

23. Respondent **Kristi Noem** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention and custody. Respondent is a legal custodian of Petitioner.
24. Respondent **Pamela Bondi** is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.
25. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release him.
26. Respondent **SCOTT LADWIG**, Field Office Director, Enforcement and Removal Operations, New Orleans Field Office, is sued in his official capacity. This official exercises supervisory responsibility over immigration functions relevant to Petitioner’s detention and the processing of matters that affect his custody and immigration status.
27. Respondent **Rafael Vergara**, Warden of the Adams County Correctional Center, is Petitioner’s immediate custodian. The Warden maintains direct physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement (“ICE”) to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

28. Petitioner has no administrative remedies to exhaust.
29. Petitioner's request for custody redetermination was denied solely due to lack of jurisdiction by the Immigration Judge, based on DHS's classification of Petitioner as subject to mandatory detention under INA § 235(b).
30. As such, Petitioner's continued detention in ICE custody cannot be challenged by way of bond proceedings before the Immigration Judge, as the Immigration Court has expressly determined it has no authority to consider bond.
31. Therefore, a writ of habeas corpus is the sole avenue to vindicate Petitioner's constitutional, statutory, and regulatory rights and to restore his liberty

**CLAIM FOR RELIEF COUNT I:**

**Violation of the INA:**

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

32. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
33. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
34. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
35. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
36. 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).

37. 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 ADMINISTRATIVE PROCEDURE ACT – ARBITRARY AND  
CAPRICIOUS AGENCY ACTION**

38. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
39. The Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside agency actions that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must articulate a rational connection between the facts found and the choices made, and provide an adequate explanation for its actions, consistent with statutory authority. *See Judulang v. Holder*, 565 U.S. 42, 55 (2011).
40. The Department of Homeland Security has acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification and has refused to follow the summary judgment of *Maldonado Bautista*. Petitioner has no criminal history, no record of violence or misconduct, and has consistently cooperated with immigration authorities. Nothing in his record establishes that he presents a danger to the community or a flight risk.
41. Despite these facts, DHS has maintained Petitioner's detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate

why release under supervision, bond, or other alternatives would be insufficient and why refusing to follow *Maldonado Bautista* is legally allowed.

42. DHS's reliance on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), to justify continued detention is arbitrary and contrary to law. *Q. Li* addresses the jurisdiction of Immigration Judges to conduct bond hearings for individuals allegedly apprehended shortly after entry. It does not compel DHS to detain such individuals indefinitely, nor does it eliminate DHS's longstanding discretionary authority to release noncitizens on parole, recognizance, supervision, or bond.
43. By treating *Q. Li* as an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.
44. DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in his case. Its failure to consider Petitioner's lack of criminal history, his cooperation with authorities, his pursuit of asylum and protection, or his eligibility for alternatives to detention constitutes arbitrary and capricious decision-making.
45. DHS's actions are inconsistent with the statutory purpose of civil immigration detention, which is limited to ensuring appearance at future proceedings and protecting public safety. Petitioner's continued confinement does not advance either purpose.
46. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside under 5 U.S.C. § 706(2)(A).

47. Habeas relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct DHS to provide a constitutionally adequate and reasoned custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act.

**PRAYER FOR RELIEF**

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

Dated: December 15, 2025

Respectfully Submitted,

**/S/ David Joseph Rozas**

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EXHIBIT

<b>EXHIBIT A</b>	<b>NOTICE TO APPEAR</b>	<b>02 - 05</b>
<b>EXHIBIT B</b>	<b>IJ BOND ORDER 10/27/2025</b>	<b>07 - 10</b>
<b>EXHIBIT C</b>	<b>IJ BOND ORDER 12/05/2025</b>	<b>12 - 15</b>
<b>EXHIBIT D</b>	<b>I-213</b>	<b>17 - 19</b>
<b>EXHIBIT E</b>	<b>BIRTH CERTIFICATES OF RESPONDENT'S U.S. CITIZEN CHILDREN</b>	<b>21 - 22</b>

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

I represent Petitioner, JACOBO ALONZO-LORENZO, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 15, 2025

/S/ David Joseph Rozas  
David Joseph Rozas, Esq.

/s/Luis Angeles  
Luis Angeles  
*Pending Pro Hac Vice  
Admission*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2025, I filed the foregoing petition for Writ of Habeas Corpus electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: December 15, 2025

/S/ David Joseph Rozas  
David Joseph Rozas, Esq.

/s/Luis Angeles  
Luis Angeles  
*Pending Pro Hac Vice  
Admission*