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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

Carlos RAMIREZ-MONTOYA,  
  
Petitioner,

v.

Michael T. ROSE, Acting Field Office  
Director of Enforcement and Removal  
Operations, Philadelphia Field Office,  
Immigration and Customs Enforcement;  
Kristi NOEM, Secretary, U.S.  
Department of Homeland Security;  
Pamela BONDI, U.S. Attorney General;  
Executive Office for Immigration  
Review; Craig A. LOWE, Warden of  
Pike County Correctional Facility,  
  
Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**INTRODUCTION**

1  
2 1. Petitioner Carlos Ramirez-Montoya brings this petition for a writ of  
3 habeas corpus to seek enforcement of his rights as a member of the Bond Denial  
4 Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM  
5 (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Pike County  
6 Correctional Facility in Lords Valley, Pennsylvania. His detention is unlawful  
7 detention because the Department of Homeland Security (DHS) and the Executive  
8 Office for Immigration Review (EOIR) have refused to abide by the declaratory  
9 judgment issued on behalf of the certified class in *Maldonado Bautista v.*  
10 *Santacruz*.

11  
12 2. On November 20, 2025, the federal district court of the Central  
13 District in California granted partial summary judgment on behalf of individual  
14 plaintiffs and on November 25, 2025, certified a nationwide class and extended  
15 declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No.  
16 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D.  
17 Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-  
18 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, ---  
19 F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order  
20 certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible Class,  
21  
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23  
24

1 incorporating and extending declaratory judgment from Order Granting  
2 Petitioners' Motion for Partial Summary Judgment).

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

7  
8 4. Nonetheless, the Executive Office for Immigration Review and its  
9 subagency the Immigration Court have blatantly refused to abide by the  
10 declaratory relief and have unlawfully ordered that Petitioner be denied the  
11 opportunity to be released on bond.

12  
13 5. Petitioner Carlos Ramirez-Montoya is a member of the Bond Eligible  
14 Class, because he:

15 a. does not have lawful status in the United States and is currently  
16 detained at the Pike County Correctional Facility. He was last  
17 apprehended by immigration authorities on February 11, 2025.

18  
19 b. entered the United States without inspection over 20 years ago and  
20 was not apprehended upon arrival; and

21  
22 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

23 6. Petitioner is a citizen of Honduras who enter the United States without  
24

1 inspection 1999. Plaintiff was placed in removal proceedings on August 12, 2013  
2 when the DHS served a Notice to Appear dated August 8, 2013 with the  
3 Immigration Court. He was charged with inadmissibility under 8 U.S.C. §  
4 1182(a)(6)(A)(i), because he entered the United States without inspection.  
5

6 7. As a defense from removal, Petitioner filed an application for cancellation of  
7 removal, which the Immigration Judge pretermitted holding that Petitioner's pre-  
8 2016 conviction for unlawful taking under 18 P.C.S.A. § 3921(a) is a Crime  
9 Involving Moral Turpitude, thereby making Respondent ineligible for Cancellation  
10 of Removal under Section 240B(b) of the Act.  
11

12 8. Petitioner timely appealed the denial of his application to the Board of  
13 Immigration Appeals, arguing that because the conviction was prior to the Board's  
14 decision in *Matter of Diaz Lizarraga*, 26 I&N Dec. 847 (BIA 2016), the conviction  
15 was not for a CIMT. See also, *Matter of Thakker*, 28 I&N Dec. 843 (BIA 2024).

16 9. On September 27, 2023 the Board of Immigration Appeals notified the  
17 Petitioner of its intent to take the case of its docket. On November 20, 2023 the  
18 Petitioner filed a motion to remand the case to the Immigration Court.  
19

20 10. In August 2024 Petitioner was encountered by the police while he was  
21 sleeping in the back seat of his truck while parked by the side of the road. He was  
22 taken to the hospital by the police and was blood tested for drugs and alcohol.  
23 According to the Affidavit of Probable Cause, Petitioner had drugs in his blood.  
24

1 Petitioner was issued a ticket and released to his wife at the hospital the same day.

2 11. On Petitioner's second court date before the criminal judge relating to his  
3 last arrest, Petitioner plead guilty to Driving Under the Influence under 75 Pa.C.S.  
4 § 3802 and was sentenced to 3 days in jail. He was taken to Pike County  
5 Correctional Facility in Lords Valley, Pennsylvania by ICE officers after the plea.  
6

7 12. On February 21, 2025 the Petitioner filed an emergency motion with the  
8 Board to expedite a decision on his pending appeal. On March 5, 2025 the Board  
9 returned the case to its active docket and on July 14, 2025 it granted the  
10 Petitioner's appeal and remanded the case to the Immigration Court to consider his  
11 application for cancellation of removal. The Board agreed with Petitioner's  
12 argument that his conviction for unlawful taking was not a Crime Involving Moral  
13 Turpitude for immigration purposes.  
14

15 13. Petitioner has been in the custody of the Department since February 11,  
16 2025. He has been clean from drugs since his last detention. The Court should  
17 expeditiously grant this petition.  
18

19 14. Respondents are bound by the judgment in *Maldonado Bautista*, as it has  
20 the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless,  
21 Respondents continue to flagrantly defy the judgment in that case and continue to  
22 subject Petitioner to unlawful detention despite his clear entitlement to  
23 consideration for release on bond as a Bond Eligible Class member.  
24

1 15. Immigration judges have informed class members in bond hearings that  
2 they have been instructed by “leadership” that the declaratory judgment in  
3 *Maldonado Bautista* is not controlling, even with respect to class members, and  
4 that instead IJs remain bound to follow the agency’s prior decision in *Matter of*  
5 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
6

7 16. Because Respondents are detaining Petitioner in violation of the declaratory  
8 Judgment issued in *Maldonado Bautista*, the Court should accordingly order that  
9 within one day, Respondent DHS must release Petitioner.

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

### 13 JURISDICTION

14 18. Petitioner is in the physical custody of Respondents. Petitioner is detained at  
15 the Pike County Correctional Facility in Lords Valley, Pennsylvania.

16 19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
17 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United  
18 States Constitution (the Suspension Clause).  
19

20 20. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
21 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. §  
22 1651.  
23  
24

1 **VENUE**

2 21. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.  
3 484, 493- 500 (1973), venue lies in the United States District Court for the Middle  
4 District, the judicial district in which Petitioner currently is detained.

5  
6 22. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
7 Respondents are employees, officers, and agencies of the United States, and  
8 because a substantial part of the events or omissions giving rise to the claims  
9 occurred in the Middle District of Pennsylvania.

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

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

14  
15 24. Habeas corpus is “perhaps the most important writ known to the  
16 constitutional law . . . affording as it does a *swift* and imperative remedy in all  
17 cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963)  
18 (emphasis added). “The application for the writ usurps the attention and displaces  
19 the calendar of the judge or justice who entertains it and receives prompt action  
20 from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116,  
21 1120 (9th Cir. 2000) (citation omitted).

**PARTIES**

1  
2 25. Petitioner Carlos Ramirez Montoya is a citizen of Honduras who has been  
3 in immigration detention since February 11, 2025. Petitioner has resided in the  
4 United States since 2013.

5  
6 26. Respondent Michael T. Rose is the Acting Director of the Philadelphia  
7 Field Office of ICE’s Enforcement and Removal Operations division. As such, the  
8 Philadelphia Field Office is Petitioner’s immediate custodian and is responsible for  
9 Petitioner’s detention and removal. He is named in his official capacity.

10  
11 27. Respondent Kristi Noem is the Secretary of the Department of Homeland  
12 Security. She is responsible for the implementation and enforcement of the  
13 Immigration and Nationality Act (INA), and oversees ICE, which is responsible for  
14 Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner  
15 and is sued in her official capacity.

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

20  
21 29. Respondent Pamela Bondi is the Attorney General of the United States. She  
22 is responsible for the Department of Justice, of which the Executive Office for  
23 Immigration Review and the immigration court system it operates is a component  
24 agency. She is sued in her official capacity.

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

4 31. Respondent, Craig A. Lowe, Warden of Pike County Correctional Facility in  
5 Lords Valley, Pennsylvania, where Petitioner is detained. He has immediate  
6 physical custody of Petitioner. He is sued in his official capacity.  
7

8 **CLAIM FOR RELIEF**  
9 **Violation of the INA:**  
10 **Request for Relief Pursuant to *Maldonado Bautista***

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

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

15 34. The order granting partial summary judgment in *Maldonado Bautista* holds  
16 that Respondents violate the INA in applying the mandatory detention statute at  
17 § 1225(b)(2) to class members.

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

22 36. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
23 declaratory judgment, which has the full “force and effect of a final judgment.” 28  
24 U.S.C. § 2201(a).

37. By denying Petitioner a bond hearing under § 1226(a) and asserting that he

1 is subject to mandatory detention under § 1225(b)(2), Respondents violate  
2 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado*  
3 *Bautista*.

4 **PRAYER FOR RELIEF**

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

- 6 a. Assume jurisdiction over this matter;
- 7 b. Issue a writ of habeas corpus requiring that within one day,  
8 Respondents release Petitioner;
- 9 c. Alternatively, issue a writ of habeas corpus requiring Respondents to  
10 release Petitioner unless they provide a bond hearing under 8 U.S.C.  
11 § 1226(a) within seven days;
- 12 d. Award Petitioner attorney’s fees and costs under the Equal Access to  
13 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other  
14 basis justified under law; and
- 15 e. Grant any other and further relief that this Court deems just and  
16 proper.

17 DATED this 12th of December, 2025.

18  
19 David Kaplan, Esquire  
20 *Attorney for Petitioner*  
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22  
23  
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