



## INTRODUCTION

1. Petitioner Santiago López Morales brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Eligible 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 ERO El Paso Camp – East Montana, 6920 Digital Road, El Paso, Texas 79936. 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 a 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, have blatantly

refused to abide by the declaratory relief and have unlawfully denied Petitioner the opportunity to be released on bond.

5. Petitioner Santiago López Morales 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 the ERO El Paso Camp – East Montana, 6920 Digital Road, El Paso, Texas 79936. Immigration authorities apprehended him on September 22, 2025.
  - b. Entered the United States without inspection twenty-five (25) 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 22, 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.

**FACTUAL AND PROCEDURAL BACKGROUND**

12. Respondent, Santiago López Morales, is a 44-year-old native and citizen of Mexico. He entered the United States in January 2000 without inspection through Texas and has not departed the country since his arrival. He has therefore resided in the United States for more than twenty-five (25) years.
13. Since establishing his life in this country, Mr. López Morales has become a devoted family man and a positive member of his community. He is married to a lawful permanent resident, and together they are raising three United States citizen children. He is the primary financial provider and actively involved in their daily lives, supporting them emotionally, academically, and physically.
14. Respondent has maintained steady and lawful employment as a flooring installer and independent contractor, working long hours to provide for his family. He has no criminal history of any kind. Employers, friends, and community members consistently describe him as a hardworking, trustworthy, and family-oriented individual who has always been willing to help others in times of need.
15. Respondent's children depend heavily on him for stability, guidance, and emotional support. His prolonged detention and the potential threat of removal have caused significant disruption to the children's lives and has placed them in emotional and

psychological distress. His absence represents a severe and ongoing hardship that they are not equipped to handle.

16. Mr. López Morales also fears returning to Mexico due to the violent criminal environment in his home region. His removal would either force his U.S. citizen children into those dangerous conditions or permanently separate the family, both outcomes resulting in extreme and exceptional hardship.
17. On September 22, 2025, Respondent was arrested and taken into DHS custody. On that date, he was a passenger in a vehicle driven by a friend. The police stopped the vehicle because the driver transported soap and petroleum products. The officer first requested the driver's identification, and then asked Respondent to provide his identification as well. Respondent complied. An immigration verification was conducted over the phone, during which Respondent truthfully acknowledged that he did not have lawful immigration status in the United States. He was then taken into custody.
18. While detained, Respondent filed Form EOIR-42B on October 23, 2025, including filing fees and supporting documentation establishing his eligibility for Cancellation of Removal as a non-permanent resident. The filing remains pending before the Court.
19. Respondent continues to pursue relief before the Immigration Judge, seeking termination of his detention and adjudication of his eligibility so he may reunite with his wife and children, resume work, and continue being a contributing member of his community.

#### **JURISDICTION**

20. 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.

21. 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)).
22. 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.”).
23. 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).

24. No petition for a writ of habeas corpus has previously been filed in any court regarding Petitioner.

#### VENUE

25. 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 Texas, the judicial district in which Petitioner currently is detained.
26. 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 Texas.

#### REQUIREMENTS OF 28 U.S.C. § 2243

27. 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*.
28. *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>**

29. Petitioner Santiago López Morales is a citizen of Mexico who has been in immigration detention since September 22, 2025. After Petitioner was arrested in El Paso, Texas, ICE did not set bond, and Petitioner requested a review of his custody by an IJ. On December 03, 2025, Petitioner was denied bond by an IJ at the El Paso Immigration Court because he was deemed an “applicant for admission.” Petitioner has resided in the United States since January 2000.
30. 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.
31. 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.

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<sup>11</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.

32. 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 the authority to release him.
33. Respondent **Mary De Anda-Ybarra** is the Director of the El Paso Field Office of ICE's Enforcement and Removal Operations division. As such, Ms. De Anda-Ybarra is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is named in her official capacity.
34. Respondent **John Doe** is employed by U.S. Immigration and Customs Enforcement as Warden of the ERO El Paso Camp – East Montana, where Petitioner is detained. He or she has immediate physical custody of Petitioner. He or she is sued in his or her official capacity.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

35. Petitioner has no administrative remedies to exhaust.
36. 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).
37. 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.
38. 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***

39. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
40. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
41. 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.
42. 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.”
43. 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).
44. 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**

45. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
46. 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).

47. 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.
48. 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.
49. 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.

50. 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.
51. 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.
52. 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.
53. 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).
54. 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/ Halimatou Bah**  
**Halimatou Bah, Esq. Bar N.**  
24130178  
Angeles Law LLC  
2112 Broadway St NE STE 225 #53  
Minneapolis, MN 55413  
T: (321) 795-0568  
**halimatou@abogadoangeles.com**  
Attorney for Petitioner

**EXHIBIT**

<b>EXHIBIT - A</b>	<b>NOTICE TO APPEAR</b>	<b>02 - 05</b>
<b>EXHIBIT - B</b>	<b>IJ BOND ORDER</b>	<b>07 - 08</b>
<b>EXHIBIT - C</b>	<b>I-213</b>	<b>10 - 12</b>
<b>EXHIBIT - D</b>	<b>42B RECEIPT NOTICE</b>	<b>14 - 15</b>
<b>EXHIBIT - E</b>	<b>BIRTH CERTIFICATES OF RESPONDENT'S U.S. CITIZEN CHILDREN</b>	<b>17 - 19</b>

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

I represent Petitioner, SANTIAGO LOPEZ MORALES, 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/ Halimatou Bah**  
**Halimatou Bah**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 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/ Halimatou Bah**  
**Halimatou Bah**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS: LOPEZ-MORALES; (b) County of Residence of First Listed Plaintiff; (c) Attorneys: SEE ATTACHED; DEFENDANTS: Noem et al. (SEE ATTACHED); County of Residence of First Listed Defendant; NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED; Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only); III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant); Includes checkboxes for U.S. Government Plaintiff/Defendant, Federal Question, Diversity, and Citizenship options.

IV. NATURE OF SUIT (Place an "X" in One Box Only); Includes categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only); Includes checkboxes for Original Proceeding, Removed from State Court, Remanded from Appellate Court, Reinstated or Reopened, Transferred from Another District, Multidistrict Litigation - Transfer, Multidistrict Litigation - Direct File.

VI. CAUSE OF ACTION; Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity); Brief description of cause: NON-CITIZEN WITH PENDING 42B UNLAWFULLY DETAINED

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.; DEMAND \$; CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE; DOCKET NUMBER

DATE: 12/15/2025; SIGNATURE OF ATTORNEY OF RECORD: /s/ BAH

FOR OFFICE USE ONLY: RECEIPT #, AMOUNT, APPLYING IFP, JUDGE, MAG. JUDGE

**ATTACHMENT TO CIVIL COVER SHEET**

*SANTIAGO LOPEZ MORALES v. Noem et al.*

**I(c) – Attorneys for Plaintiffs:**

**Halimatou Bah, Esq.** Bar N. 24130178  
Angeles Law LLC  
2112 Broadway St NE STE 225 #53  
Minneapolis, MN 55413  
T: (321) 795-0568  
[halimatou@abogadoangeles.com](mailto:halimatou@abogadoangeles.com)  
Attorney for Petitioner

**I – Defendants:** **KRISTI NOEM**, Secretary of the Department of Homeland Security; **PAMELA BONDI**, Attorney General of the United States; **TODD LYONS**, Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; **MARY DE ANDA-YBARRA**, in her official capacity as Field Office Director for U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations; **JOHN DOE**, in his official capacity as Warden of the ERO El Paso Camp East Montana Facility.