

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

ROGER HUMBERTO NUNEZ-SARMIENTO)

Alien Registration Number )

Petitioner,)

v.)

THE GEO-GROUP, INC., Owner of Jena/LaSalle)
Detention Facility, BRIAN ACUNA, Field Office)
Director, New Orleans Office of U.S. Immigration and)
Customs Enforcement; KRISTI NOEM, Secretary,)
U.S. Department of Homeland Security; PAM BONDI,)
Attorney General of the United States, U.S.)
Department of Justice.)

Respondents.)

Case No. _____

JUDGE:

MAGISTRATE JUDGE:

PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO EXPEDITE
PURSUANT TO 28 U.S.C. § 2246

1. Petitioner, Roger Humberto Nuñez-Sarmiento, 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 Jena/LaSalle Detention Facility. 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, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

3. The declaratory judgment held that the Bond Denial Class members 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 subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

5. Petitioner, Roger Humberto Nuñez-Sarmiento, 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 Jena/LaSalle Detention Facility. He was apprehended by immigration authorities on November 10, 2025;
- b. entered the United States without inspection in May 2005, over twenty (20) 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 November 10, 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 the Jena/LaSalle Detention Facility in Jena, LaSalle Parish, Louisiana.

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

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

VENUE

15. 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, Alexandria Division, the judicial district in which Petitioner currently is detained.

16. 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 United States District Court for the Western District of Louisiana, Alexandria Division.

REQUIREMENTS OF 28 U.S.C. § 2243

17. 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*.

18. 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

19. Petitioner, Roger Humberto Nuñez-Sarmiento, is a citizen and national of Honduras who has been in immigration detention since November 10, 2025. After Petitioner was illegally detained by bounty hunters in Hancock County, Mississippi, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On December 8, 2025, Petitioner was denied bond by an

IJ at the LaSalle Immigration Court because he was deemed an “applicant for admission.”
Petitioner has resided in the United States since 2005.

20. Respondent, Brian Acuna, is the Director of the New Orleans Field Office of ICE’s Enforcement and Removal Operations division. As such, Brian Acuna is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

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

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

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

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

25. Respondent, THE GEO-GROUP, INC. is a corporation and are the owners / operators of the Jena/LaSalle Detention Facility, where Petitioner is detained. They have immediate physical custody of Petitioner. They are sued in their official capacity as they have direct control of the warden at Jena/LaSalle Detention Facility.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

26. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
27. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
28. 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.
29. 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.”
30. 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).
31. 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*.

PRAYER FOR RELIEF

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

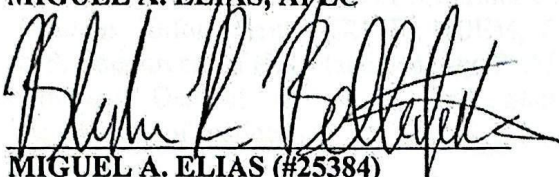
- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

- 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 (7) 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 this 15th day of December 2025.

Respectfully submitted,

MIGUEL A. ELIAS, APLC



MIGUEL A. ELIAS (#25384)

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Attorneys for Petitioner

UNITED STATES DISTRICT COURT FOR THE
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MAGISTRATE JUDGE:

ORDER

Considering the foregoing Motion,


IT IS ORDERED that Respondents show cause on the ____ day of _____ 20____ at ____:____ A.M. / P.M., why the writ should not be granted; why a Writ of Habeas Corpus ordering Respondents to release Petitioner on his own recognizance or under parole, a low bond, or reasonable conditions of supervision; and, why the Petitioner should not be awarded reasonable costs and attorney's fees.

Alexandria, Louisiana, this ____ day of _____ 20____

HONORABLE JUDGE

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CERTIFICATE OF SERVICE

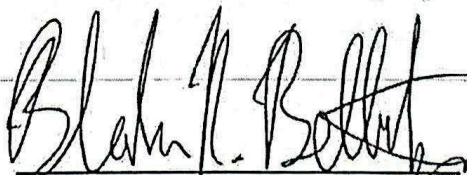
I, Blake R. Bellefontaine, Esq., representing the above-entitled Petitioner, do hereby certify that on this 15th day of December 2025, I served a copy of the foregoing Petition to the Respondents by Certified Mail to:

THE GEO-GROUP, INC.
Jena / LaSalle Dentention Facility
Agent: Corporate Creations Network, Inc.
1070-B West Causeway Approach
Mandeville, LA 70471

KRISTI NOEM
U.S. Department of Homeland Security
1880 2nd Street SW
Washington, DC 20024

BRIAN ACUNA
I.C.E. New Orleans Field Office
1250 Poydras Street, Suite 325
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PAMELA BONDI
U.S. Department of Justice
950 Pennsylvania Avenue, NW
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Blake R. Bellefontaine, Esq.