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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

GUILLERMO DE LA CRUZ ESCALANTE,
Petitioner,

v.

ROBERT GUADIAN, Field Office Director of
Enforcement and Removal Operations, Denver
Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; PAMELA
BONDI, U.S. Attorney General; JUAN
BALTAZAR, Warden of Aurora ICE
Processing Center,
Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Guillermo De La Cruz Escalante brings this petition for a writ of
3 habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified
4 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in
5 the physical custody of Respondents at the Aurora ICE Processing Center. He now faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued
8 on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency, the
22 Immigration Court, and the Department of Homeland Security (DHS) have refused to abide by
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1 the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be
2 released on bond.

3 5. Petitioner Guillermo De La Cruz Escalante is a member of the Bond Eligible
4 Class, as he:

5 a. does not have lawful status in the United States and is currently detained at the
6 Aurora ICE Processing Center. He was originally apprehended by immigration
7 authorities in September 2011 but released on a \$5,000 bond issued by an
8 Immigration Judge (IJ). He was re-detained by immigration authorities on
9 October 29, 2025, and remains in custody.

10 b. entered the United States without inspection over 28 years ago and was not
11 apprehended upon arrival, *cf. id.*; and
12

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

14 6. When DHS initially detained Petitioner in 2011, the agency placed him in
15 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
16 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
17 without inspection.¹
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19 ¹ Proceedings were administratively closed in May 2022 to allow time for USCIS to adjudicate
20 an I-130 immediate relative visa petition filed by Mr. De La Cruz Escalante's adult U.S. citizen
21 son, and to then adjudicate a provisional, stateside waiver of inadmissibility, with his future LPR
22 spouse as a qualifying relative, in advance of a future application for an immigrant visa. His
23 son's I-130 was filed 2 years ago and remains pending. In the summer of 2025, DHS moved to
24 recalendar proceedings. Mr. De La Cruz Escalante opposed. On July 24, 2025, the IJ denied the
DHS motion, noting that the agency had failed to provide a persuasive reason for the case to
proceed to resolution on the merits. On October 29, 2025, ICE agents stopped Mr. De La Cruz
Escalante after he had dropped his kids off at school. He has been detained ever since. In light of
its re-detention, DHS later successfully moved to recalendar proceedings.

1 7. The Court should expeditiously grant this petition.

2 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
3 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
4 to defy the judgment in that case and continue to subject Petitioner to unlawful detention despite
5 his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

6 9. Petitioner moved the IJ for a bond hearing. At a bond hearing held on December
7 9, 2025, the IJ informed Petitioner that “additional guidance” from leadership compelled her to
8 hold that the declaratory judgment in *Maldonado Bautista* was not controlling, even with respect
9 to class members, and that instead IJs remain bound to follow the agency’s prior decision in
10 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The IJ allowed Petitioner to then
11 withdraw his bond motion to await further developments in the federal courts.

12 10. Because Respondents are detaining Petitioner in violation of the declaratory
13 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
14 Respondent DHS must release Petitioner.

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

17 **JURISDICTION**

18 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
19 Aurora ICE Processing Center.

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

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

3 **VENUE**

4 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
5 500 (1973), venue lies in the United States District Court for the District of Colorado, the judicial
6 district in which Petitioner currently is detained.

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

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

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

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

19 **PARTIES**

20 19. Petitioner Guillermo De La Cruz Escalante is a citizen of Mexico who has been
21 in immigration detention since October 29, 2025. After Petitioner was arrested in Longmont,
22 Colorado ICE did not set bond, and Petitioner requested review of his custody by an IJ. On
23 December 9, 2025, Petitioner was allowed to withdraw his motion for bond redetermination
24

1 because the IJ held that, as an “applicant for admission” under *Yajure Hurtado*, he was not
2 eligible for bond.

3 20. Petitioner has resided in the United States since the spring of 1997, when he was
4 21.

5 21. Respondent Guadian is the Director of the Denver Field Office of ICE’s
6 Enforcement and Removal Operations division. As such, Mr. Guadian is Petitioner’s immediate
7 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
8 capacity.

9 22. Respondent Kristi Noem is the Secretary of the Department of Homeland
10 Security. She is responsible for the implementation and enforcement of the Immigration and
11 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.
12 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity. DHS is
13 the federal agency responsible for implementing and enforcing the INA, including the detention
14 and removal of noncitizens.

15 23. Respondent Pamela Bondi is the Attorney General of the United States. She is
16 responsible for the Department of Justice, of which the Executive Office for Immigration Review
17 (EOIR) and the Immigration Court system it operates is a component agency. She is sued in her
18 official capacity. EOIR is the federal agency responsible for implementing and enforcing the
19 INA in removal proceedings, including for custody redeterminations in bond hearings.

20 24. Respondent Baltazar is employed by The GEO Group, Inc., as Warden of the
21 Aurora ICE Processing Center where Petitioner is detained. He has immediate physical custody
22 of Petitioner. He is sued in his official capacity.

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CLAIM FOR RELIEF

**Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista***

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

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

27. 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.

28. 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.”

29. 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).

30. 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*.

1
2 **PRAYER FOR RELIEF**

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

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

14 DATED this 15th day of December 2025.

15 Respectfully submitted,

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