

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

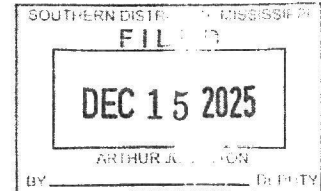
ANGEL POLIVIO GUANOQUIZ DAMIAN,

Petitioner

v.

RAFAEL VERGARA, Warden,
Adams County Correctional Center;
PAMELA BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary of Homeland
Security; BRIAN ACUNA, New Orleans Acting Field
Office Director, Enforcement and Removal Operations;
TODD LYONS, Director, U.S. Immigration and
Customs Enforcement,

Respondents.



Docket No: 5:25-cv-162-DCB-RPM

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

PRELIMINARY STATEMENT

1. Petitioner Angel Polivio Guanoquiz Damian, by and through undersigned counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued detention by U.S. Immigration and Customs Enforcement (“ICE”) 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 in the physical custody of Respondents at the Adams County Detention Center. 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 Angel Polivio Guanoquiz Damian 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 Adams County Correctional Center in Natchez, Mississippi. He was apprehended by immigration authorities on October 9, 2025;
- b. entered the United States without inspection over 24 (twenty-four) 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 October 9, 2025, the DHS placed him in removal proceedings and charged Petitioner as being inadmissible under 8 U.S.C.

1182(a)(6)(A)(i) and (a)(7)(A)(i)(I) as someone who entered the United States without inspection and without valid entry documents.

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 immigration judges 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 three days, Respondents 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 AND VENUE

12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Adams County Correctional Center, in Natchez, Mississippi.

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.

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 Southern District of Mississippi, 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 Southern District of Mississippi.

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 Angel Polivio Guanoquiz Damian is a citizen of Ecuador who has been in immigration detention since October 9, 2025. After Petitioner was arrested in Niles, Illinois, ICE did not set bond, and Petitioner requested review of his custody by an Immigration Judge (“IJ”). On October 31, 2025, Petitioner was denied bond by an IJ at the La Salle Immigration Court because the Immigration Court held that it lacked jurisdiction. Petitioner has resided in the United States since 2001.

20. Respondent Rafael Vergara is the Warden of Adams County Correctional Center, where Petitioner is currently detained. Warden Vergara is responsible for Petitioner's immediate physical custody and is sued in his official capacity.

21. 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.

22. 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.

23. Respondent Brian Acuna is the Acting Field Office 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.

24. Respondent Todd Lyons is the Director of U.S. Immigration and Customs Enforcement, the agency directly responsible for Petitioner's detention. He is named in his official capacity.

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*.

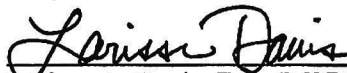
PRAYER FOR RELIEF

WHEREFORE, Petitioner Angel Polivio Guanoquiz Damian prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within three days, 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 this 15th of December, 2025.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Larissa Davis".

Larissa A. Davis, Esq. (MSB 105104)

Chhabra, Gibbs & Trehan, PLLC

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Jackson, MS 39201

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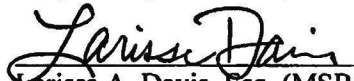
ldavis@cgtimmigration.com

VERIFICATION

I, Larissa A. Davis, counsel for Petitioner hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: December 15, 2025

Respectfully submitted,



Larissa A. Davis, Esq. (MSB 105104)

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120 North Congress Street, Suite 200

Jackson, MS 39201

Tel: 601 948-8005

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December 2025, a copy of the foregoing Petition for Writ of Habeas Corpus was mailed by first class U.S. Mail, postage prepaid, and properly addressed to the following:

U.S. Attorney's Office, Jackson
501 E. Court Street, Suite 4.430
Jackson, MS 39201

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington D.C. 20530-0001

/s/ Larissa A. Davis
Larissa A. Davis, Esq.