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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 SALVADOR LOPEZ CORONA,

12
13 Petitioner,

14 v.

15
16 Daniel A. BRIGHTMAN, Field Office
17 Director of Enforcement and Removal
18 Operations, San Diego Field Office,
19 Immigration and Customs Enforcement;
20 Kristi NOEM, Secretary, U.S.
21 Department of Homeland Security; U.S.
22 DEPARTMENT OF HOMELAND
23 SECURITY; Pamela BONDI, U.S.
24 Attorney General; EXECUTIVE
25 OFFICE FOR IMMIGRATION
26 REVIEW; Christopher J. LAROSE,
27 Warden of Otay Mesa Detention Facility,

28 Respondents.

Case No. '25CV3608 W B JW

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner Salvador Lopez Corona 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 Otay Mesa
6 Detention Center in San Diego, California. He now faces unlawful detention because
7 the Department of Homeland Security (DHS) and the Executive Office for
8 Immigration Review (EOIR) have refused to abide by the declaratory judgment
9 issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

20 3. The declaratory judgment held that the Bond Denial Class members are
21 detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for
22 release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at
23 *11.

24 4. Nonetheless, the Executive Office for Immigration Review and its
25 subagency the Immigration Court and the Department of Homeland Security (DHS)
26 have blatantly refused to abide by the declaratory relief and have unlawfully ordered
27 that Petitioner be denied the opportunity to be released on bond.
28

1 5. Petitioner Salvador Lopez Corona is a member of the Bond Eligible
2 Class, as he:

- 3 a. does not have lawful status in the United States and is currently detained
4 at the Otay Mesa Detention Facility in San Diego, CA. He was
5 apprehended by immigration authorities on October 17, 2025 in Los
6 Angeles, CA;
- 7 b. entered the United States without inspection over 25 years ago and was
8 not apprehended upon arrival, *cf. id.*; and
- 9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on October 17, 2025, the DHS placed him
11 in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
12 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
13 United States without inspection.

14 7. The Court should expeditiously grant this petition.

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

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

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

28

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

3 **JURISDICTION**

4 12. Petitioner is in the physical custody of Respondents. Petitioner is
5 detained at the Otay Mesa Detention Facility in San Diego, California.

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

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

12 **VENUE**

13 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
14 484, 493- 500 (1973), venue lies in the United States District Court for the Southern
15 District of California, the judicial district in which Petitioner currently is detained.

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

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

21 17. The Court should grant the petition for writ of habeas corpus
22 "forthwith," as the legal issues have already been resolved for class members in
23 *Maldonado Bautista*.

24 18. Habeas corpus is "perhaps the most important writ known to the
25 constitutional law . . . affording as it does a *swift* and imperative remedy in all cases
26 of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis
27 added). "The application for the writ usurps the attention and displaces the calendar
28 of the judge or justice who entertains it and receives prompt action from him within

1 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
2 2000) (citation omitted).

3 **PARTIES**

4 19. Petitioner Salvador Lopez Corona is a citizen of Mexico who has been
5 in immigration detention since October 17, 2025. Petitioner has resided in the United
6 States for over 25 years. Petitioner was arrested while loading a shopping cart in the
7 parking lot of Home Depot in Inglewood, Los Angeles County, California. After his
8 arrest, ICE did not set bond, and determined that he will be detained by the
9 Department of Homeland Security pending a final administrative determination in
10 his case. At the Otay Mesa Immigration Court on December 2, 2025, Petitioner’s
11 immigration counsel observed repeated denials of bond based on a lack of
12 jurisdiction for similarly situated individuals, and thus, withdrew Petitioner’s bond
13 hearing as it would have been futile.

14 20. Respondent Daniel A. Brightman is the Director of the San Diego Field
15 Office of ICE’s Enforcement and Removal Operations division. As such, Daniel A.
16 Brightman is Petitioner’s immediate custodian and is responsible for Petitioner’s
17 detention and removal. He is named in his official capacity.

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

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

26 23. Respondent Pamela Bondi is the Attorney General of the United States.
27 She is responsible for the Department of Justice, of which the Executive Office for
28

1 Immigration Review and the immigration court system it operates is a component
2 agency. She is sued in her official capacity.

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

6 25. Respondent Christopher J. LaRose is the Warden of the Otay Mesa
7 Detention Facility, where Petitioner is detained. He has immediate physical custody
8 of Petitioner. He is sued in his official capacity.

9 **STATEMENT OF FACTS**

10 26. Petitioner is a 49-year-old citizen of Mexico. Petitioner has four
11 children, two of which are U.S. citizen children. Petitioner's 12-year-old daughter
12 and 20-year-old son are U.S. citizens. Petitioner has been a landscaper, handyman,
13 and supportive community member in the United States for over 25 years. Petitioner
14 is the financial provider for his family, which includes his minor daughter. In 2022,
15 Petitioner survived colon cancer. He goes to medical checkups twice a year to ensure
16 the cancer has not returned.

17 27. Petitioner arrived in the United States over 25 years ago.

18 28. Petitioner does not have a criminal record.

19 29. On October 17, 2025, Petitioner went to Home Depot to return supplies
20 for his work as a landscaper and handyman. At around 9AM that day, Petitioner was
21 detained by ICE at the Home Depot parking lot in Inglewood, California.

22 30. Petitioner was transferred to Otay Mesa Detention Facility in San
23 Diego, California.

24 31. Petitioner's counsel made the Immigration Judge aware of the
25 declaratory judgment from *Maldonado Bautista*, but the Immigration Judge stated
26 that the courts could not follow the *Maldonado Bautista* order and were, instead,
27 instructed to follow *Matter of Yajure Hurtado*. On December 2, 2025, Petitioner's
28 counsel withdrew the bond hearing request due to the Immigration Judge's position

1 that it would be denied based on a lack of jurisdiction under *Matter of Yajure*
2 *Hurtado*.

3 **CLAIMS FOR RELIEF**

4 **COUNT I**

5 **Violation of the INA:**

6 **Request for Relief Pursuant to *Maldonado Bautista***

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

9 33. As a member of the Bond Eligible Class, Petitioner is entitled to
10 consideration for release on bond under 8 U.S.C. § 1226(a). Additionally, as a person
11 arrested in the interior after residing in the United States for over 25 years, without a
12 criminal record, and without taking any affirmative acts to seek admission, Petitioner
13 is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

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

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

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

24 37. By denying Petitioner a bond hearing under § 1226(a) and asserting that
25 he is subject to mandatory detention under § 1225(b)(2), Respondents violate
26 Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado*
27 *Bautista*.

28

1 **COUNT II**

2 **Violation of Due Process**

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

5 39. The Government may not deprive a person of life, liberty, or property
6 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
7 from government custody, detention, or other forms of physical restraint—lies at the
8 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690
9 (2001).

10 40. Petitioner has a fundamental interest in liberty and being free from
11 official restraint.

12 41. The Government’s detention of Petitioner without a bond
13 redetermination hearing to determine whether he is a flight risk or danger to others
14 violates his right to due process.

15 **PRAYER FOR RELIEF**

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

- 17 a. Assume jurisdiction over this matter;
- 18 b. Order that Petitioner shall not be transferred outside the Southern
19 District of California while this habeas petition is pending;
- 20 c. Issue a writ of habeas corpus requiring that within one day, Respondents
21 release Petitioner;
- 22 d. Alternatively, issue a writ of habeas corpus requiring Respondents to
23 release Petitioner unless they provide a bond hearing under 8 U.S.C.
24 § 1226(a) within seven days;
- 25 e. Award Petitioner attorney’s fees and costs under the Equal Access to
26 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other
27 basis justified under law; and
- 28 f. Grant any other and further relief that this Court deems just and proper.

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DATED: December 15, 2025 By: s/ Bianca de la Vega
Bianca de la Vega
Pro Bono Attorney for Salvador Lopez Corona