

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

MELVIN ALGUILAR,

Petitioner,

v.

LADEON FRANCIS, Field Office
Director of Enforcement and Removal
Operations, Atlanta Field Office,
TODD LYONS, in his official capacity
as Acting director of Immigration and
Customs Enforcement;
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY;
PAMELA BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW;
DAVID PAULK, Warden of IRWIN
DETENTION CENTER,

Respondents.

Case No. 25-194

**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

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

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

18 3. The declaratory judgment held that the Bond Denial Class members are detained under
19 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 subagencies the

1 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
2 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
3 opportunity to be released on bond.

4 5. Petitioner MELVIN ALGUILAR is a member of the Bond Eligible Class, as he:

5 a. does not have lawful status in the United States and is currently detained at the
6 IRWIN DETENTION CENTER. He was apprehended by immigration authorities
7 on December 8, 2025;

8 b. entered the United States without inspection over twenty years ago and was not
9 apprehended upon arrival; and

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

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

15 7. The Court should expeditiously grant this petition.

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

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

1 *Bautista*, the Court should accordingly order that within one day, Respondent DHS must release
2 Petitioner.

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

5 **JURISDICTION**

6 11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
7 IRWIN DETENTION CENTER in Ocilla, GEORGIA.

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

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

13 **VENUE**

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

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

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

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

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

7 **PARTIES**

8 18. Petitioner MELVIN AGUILAR (“Mr. Aguilar”) is a citizen of Guatemala who has
9 been in immigration detention since the 8th of December of 2025. After arresting Petitioner at or
10 near Atlanta, Georgia and transferring him to Irwin Detention Center, ICE did not set bond and
11 Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in
12 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Due to this erroneous decision, it
13 would be futile for Petitioner to apply to EOIR without the intervention of this honorable Court.

14 19. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE’s
15 Enforcement and Removal Operations division; however, on information and belief, the DHS is
16 rotating their Field Office Director without publishing a schedule of rotation. As such, Ladeon
17 Francis or his unknown, unannounced provisional replacement is Petitioner’s immediate custodian
18 and is responsible for Petitioner’s detention and removal. He or his acting counterpart is named in
19 his or her official capacity. Respondent Francis’s address is 180 Ted Turner Dr Se, Ste 522. Atlanta
20 GA 30303.

21 20. Respondent Todd Lyons is named in his official capacity as the Acting Director of the
22 Immigration and Customs Enforcement (“ICE”). As the senior Official Performing the duties of
23 the Director of ICE, he is responsible for the administration and enforcement of the immigration

1 laws of the United States; routinely transacts business in the Southern District of Georgia; is legally
2 responsible for any effort to detain Petitioner; and as such is a custodian of the Petitioner. His
3 address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900,
4 Washington DC 20536-5900.

5 21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.
6 She is responsible for the implementation and enforcement of the Immigration and Nationality Act
7 (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate
8 custodial authority over Petitioner and is sued in her official capacity. Respondent Noem's address
9 is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther
10 King Jr Ave Se Washington DC 20528-0525.

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

14 23. Respondent Pamela Bondi is the Attorney General of the United States. She is
15 responsible for the Department of Justice, of which the Executive Office for Immigration Review
16 and the immigration court system it operates is a component agency. She is sued in her official
17 capacity. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue,
18 NW, Washington, DC 20530-0001.

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

22 25. Respondent, David Paulk, is employed by the private, for-profit detention

1 corporation contracted by the Government as an agent to confine immigrants at Irwin Detention
2 Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued
3 in his official capacity. Respondent Warden’s address is Warden, Irwin Detention Center, 1300
4 Blackshear Hwy, Ocilla, GA 31774.

5 **FACTS**

6 26. Mr. Aguilar is a citizen and national of Guatemala.

7 27. Mr. Aguilar entered the United States in 2006 and has been present for over twenty
8 years.

9 28. On December 8, 2025, Mr. Aguilar was detained by ICE officials.

10 29. Mr. Aguilar was then transferred to the Irwin Detention Center in Lumpkin, Georgia
11 where he remains detained.

12 30. Mr. Marin’s detention has inflicted profound harm on his U.S. citizen family particularly
13 his two United States citizen children ages 12 and 15—who are experiencing emotional and
14 developmental hardship in his absence.

15 31. Mr. Marin is a devoted father and husband whose presence is essential to his children’s
16 well-being and stability.

17 32. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
18 Petitioner’s bond request, and his unlawful detention cannot be litigated before that body, who
19 collaborated with the DHS – who is a party to these contested proceedings – to adopt the DHS
20 position wholesale, because such efforts would be futile.

21 33. On November 25, 2025, the district court certified a nationwide class and extended
22 declaratory judgment to the certified class which Petitioner is a member of. *Maldonado Bautista*
23 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D.
24 Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners);

1 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL
2 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Despite this Immigration Judges continue to deny bond
3 for class members citing to a lack of jurisdiction.

4 34. Petitioner remains in detention. Without relief from this court, he faces the
5 prospect of months, or even years, in immigration custody, separated from his family and
6 community while his relief remains pending.

7 **CLAIMS FOR RELIEF**
8 **COUNT I**

9
10 **Violation of the INA:**
11 **Request for Relief Pursuant to *Maldonado Bautista***

12
13 35. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation
14 in the preceding paragraphs as if fully set forth herein.

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

17 37. The order granting partial summary judgment in *Maldonado Bautista* holds that
18 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
19 members.

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

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

25 40. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject
26 to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under
27 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 law;
12 and
- 13 e. Grant any other and further relief that this Court deems just and proper.
14

15 DATED this 10th of December 2025.

16 /s/ Peter Tadeo, Esq.
17 Peter Tadeo, Esq.
18 Attorney for Petitioner
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20 Tadeo and Silva Law
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22 Peachtree Corners, Georgia 30010
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25
26 *Attorney for Petitioner*
27
28
29
30

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the
Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various
documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed
the foregoing Petition and that the facts and statements made in this Petition and Complaint are
true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

DATED this 10th of December 2025.

/s/ Peter Tadeo, Esq.
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