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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANDRES-LOPEZ, Jose Eleodoro,

Petitioner,

v.

Gabriel MARTINEZ, Field Office Director of Enforcement and Removal Operations, Houston Field Office, 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; Christopher STRICKLAND, Warden of Montgomery Processing Center,

Respondents.

Case No.

Agency No.:



**PETITION FOR WRIT OF
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Jose Eleodoro Andres-Lopez brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the
5 physical custody of Respondents at the Montgomery Processing Center. He now faces unlawful
6 detention because the Department of Homeland Security (DHS) and the Executive Office for
7 Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf
8 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 blatantly refused to
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1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

3 5. Petitioner Jose Eleodoro Andres-Lopez is a member of the Bond Eligible Class,
4 as she:

- 5 a. does not have lawful status in the United States and is currently detained at the
6 Montgomery Processing Center. He was apprehended by immigration authorities
7 on August 8, 2025.
8 b. entered the United States without inspection as an unaccompanied child on April
9 28, 2013 and was apprehended upon arrival but immediately released, *cf. id.*
10 placed in removal proceedings but the removal proceedings were dismissed on
11 May 18, 2022; and
12 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

13 6. After apprehending Petitioner on April 28, 2013, the DHS placed him in removal
14 proceedings as an unaccompanied child pursuant to 8 U.S.C. § 1229a. DHS charged Petitioner as
15 8 U.S.C § 1182(a)(6)(A)(i) as someone who entered the United States without inspection, and
16 the removal proceedings were dismissed on May 18, 2022. Thereafter, the Respondent was
17 apprehended on August 8, 2025 and transferred to the custody of ICE where he remains detained
18 as of today's date.

19 7. The Court should expeditiously grant this petition.

20 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
21 "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
22 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
23 detention despite her clear entitlement to consideration for release on bond as a Bond Eligible
24 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

1 controlling, even with respect to class members, and that instead IJs remain bound to follow the
2 agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

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

8 **JURISDICTION**

9 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 Montgomery Processing Center in Conroe, TX.

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

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

16 **VENUE**

17 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Southern District of Texas, the
19 judicial district in which Petitioner is currently detained.

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

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 Jose Eleodoro Andres-Lopez is a citizen of Guatemala who has been in immigration detention since August 8, 2025. After Petitioner was arrested in Houston, TX, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On December 1, 2025, Petitioner was denied bond by an Immigration Judge at the Conroe Immigration Court because he was deemed an “applicant for admission.” Petitioner has resided in the United States since April 28, 2013.

20. Respondent Gabriel Martinez is the Director of the Houston Field Office of ICE’s Enforcement and Removal Operations division. As such, Gabriel Martinez 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

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

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

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

13 25. Respondent Chris Strickland is employed by the GEO Group as Warden of the
14 Montgomery Processing Center, where Petitioner is detained. He has immediate physical
15 custody of Petitioner. He is sued in his official capacity.

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**

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

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

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

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

