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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MORAN VALLE, FRANCISCO ARMANDO,

Petitioner,

v.

CAMMILLA WAMSLEY, Field Office  
Director of Enforcement and Removal  
Operations, PHILADELPHIA 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; J.L.  
JAMISON, WARDEN OF FEDERAL  
DEPARTMENT OF CORRECTIONS  
PHILADELPHIA,

Respondents.

Case No.

**EMERGENCY PETITION  
FOR WRIT OF HABEAS CORPUS**

**(CONCURRENT FILING:  
TEMPORARY RESTRAINING  
ORDER)**



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

5 5. Petitioner MORAN VALLE, FRANCISCO ARMANDO is a member of the  
6 Bond Eligible Class, as he:

- 7 a. does not have lawful status in the United States and is currently detained at the  
8 FEDERAL DEPARTMENT OF CORRECTIONS PHILADELPHIA. He was  
9 apprehended by immigration authorities on December 10, 2025;
- 10 b. entered the United States without inspection in 2016 and was not apprehended  
upon arrival, *cf. id.*; and
- 11 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

12 6. After apprehending Petitioner on December 10, 2025, the DHS placed him in  
13 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
14 inadmissible under 212(a)(6)(A)(i) of the Immigration and Naturalization Act, 212(a)(7)(A)(i)(I)  
15 of the Immigration and Naturalization Act, and/or 8 U.S.C. § 1182(a)(6)(A)(i), as someone who  
16 entered the United States without inspection, and as someone not in possession of a valid  
unexpired visa or other suitable travel document, respectively.

17 7. The Court should expeditiously grant this petition.

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

23 9. Immigration judges have informed class members in bond hearings that they have  
24 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 12. Concurrently, Petitioner requests that the Court issue a Temporary Restraining  
9 Order (TRO) preventing Respondents from removing Petitioner from his present location at  
10 FEDERAL DEPARTMENT OF CORRECTIONS PHILADELPHIA.

#### 11 JURISDICTION

12 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
13 FEDERAL DEPARTMENT OF CORRECTIONS PHILADELPHIA.

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

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

#### 19 VENUE

20 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
21 500 (1973), venue lies in the United States District Court for the EASTERN DISTRICT OF  
22 PENNSYLVANIA, the judicial district in which Petitioner currently is detained.

1 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
2 Respondents are employees, officers, and agencies of the United States, and because a  
3 substantial part of the events or omissions giving rise to the claims occurred in the EASTERN  
4 DISTRICT OF PENNSYLVANIA.

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

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

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

14 **PARTIES**

15 20. Petitioner MORAN VALLE, FRANCISCO ARMANDO is a citizen of  
16 GUATEMALA who has been in immigration detention since December 10, 2025. Petitioner has  
17 resided in the United States for since 2016. He has no pending criminal charges. He graduated  
18 from Bensalem High School in 2020.

19 21. Respondent CAMMILLA WAMSLEY is the Director of the PHILADELPHIA  
20 Field Office of ICE’s Enforcement and Removal Operations division. As such, CAMMILLA  
21 WAMSLEY is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and  
22 removal. She is named in her official capacity.  
23  
24

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

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

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

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

15 25. Respondent J.L. JAMISON is the Warden of the FEDERAL DEPARTMENT OF  
16 CORRECTIONS PHILADELPHIA, where Petitioner is detained. WARDEN has immediate  
17 physical custody of Petitioner. WARDEN is sued in his official capacity.

18 **CLAIM FOR RELIEF**

19 **Violation of the INA:**

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

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

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

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

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

7 30. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
8 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
9 § 2201(a).

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

#### 12 PRAYER FOR RELIEF

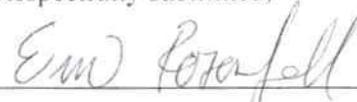
13 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 14 a. Assume jurisdiction over this matter;
- 15 b. Per a concurrent filing, immediately issue a Temporary Restraining Order (TRO)  
16 preventing Respondents from removing Petitioner from his present location at  
17 FEDERAL DEPARTMENT OF CORRECTIONS PHILADELPHIA;
- 18 c. Issue a writ of habeas corpus requiring that within one day, Respondents release  
19 Petitioner;
- 20 d. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
21 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
22 seven days;
- 23 e. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
24 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
law; and

1 f. Grant any other and further relief that this Court deems just and proper.

2  
3 DATED this 17<sup>th</sup> day of December 2025.

4 Respectfully submitted,

5 

6 Eric Rosenfeld, Esq.  
7 R&G Legal Solutions  
8 3662 N. 21<sup>st</sup> Street  
9 Philadelphia, Pennsylvania 19140  
10 T : 215-779-6443  
11 E: [eric@rglegalsolutions.com](mailto:eric@rglegalsolutions.com)  
12 PA Bar ID: 208106

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*Attorneys for Petitioner*

**CIVIL COVER SHEET**

JS 44 (Rev. 04/21)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 FRANCISCO ARMANDO MORAN VALLE

**(b)** County of Residence of First Listed Plaintiff Philadelphia  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
 R&G Legal Solutions  
 3662 N 21st St, Philadelphia, PA 19140 (215.779.6443)

**DEFENDANTS**  
 Kristi Noem, in her Official Capacity, Secretary of the U.S. Department of Homeland Security et al

County of Residence of First Listed Defendant \_\_\_\_\_  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify) \_\_\_\_\_

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).  
 28 U.S.C. Section 2241

Brief description of cause  
 Petition for writ of habeas corpus under 28 U.S.C. Section 2241 for unlawful ICE detention

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$** \_\_\_\_\_

**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions)

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: Dec 16, 2025

SIGNATURE OF ATTORNEY OF RECORD: *Eric Rosenfeld*  
 /S/Eric Rosenfeld

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_