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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

JOSE PAZ MOLINA

Petitioner,

v.

GREGORY J. ARCHAMBEAULT, Field  
Office Director of Enforcement and Removal  
Operations, SAN DIEGO 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; JAY KACY,  
Warden of IMPERIAL REGIONAL  
DETENTION FACILITY,

Respondents.

Case No. '25CV3629 AGS MMP

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Jose Paz Molina brings this petition for a writ of habeas corpus to seek  
3 enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista*  
4 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of  
5 Respondents at the Imperial Regional Detention Facility at 1572 Gateway Road, Calexico,  
6 California 92231. He now faces unlawful detention because the Department of Homeland Security  
7 (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the  
8 declaratory judgment issued on behalf 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 v.*  
14 *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' Motion  
17 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 Paz Molina is a member of the Bond Eligible Class, as he:

- 4 a. does not have lawful status in the United States and is currently detained at the  
5 Imperial Regional Detention Facility at 1572 Gateway Road, Calexico, California  
6 92231. He was apprehended by immigration authorities on November 4, 2025;  
7 b. entered the United States without inspection over 21 years ago and was not  
8 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 November 4, 2025, the DHS placed him in  
11 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being  
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without  
13 inspection.

14 7. The Court should expeditiously grant this petition.

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

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

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

1 11. Alternatively, the Court should order Petitioner's release unless Respondents  
2 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 detained at the  
5 Imperial Regional Detention Facility at 1572 Gateway Road, Calexico, California 92231.

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

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

11 **VENUE**

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

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

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

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

22 18. Habeas corpus is "perhaps the most important writ known to the constitutional  
23 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
24

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5  
6 **PARTIES**

6 19. Petitioner Jose Paz Molina is a citizen of Honduras who has been in immigration  
7 detention since November 4, 2025. After Petitioner was arrested in Virginia, ICE did not set bond,  
8 Petitioner has not yet received a bond hearing before an Immigration Judge. Despite being a  
9 member of the Bond Eligible Class certified in *Maldonado Bautista v. Sanataacruz*, Respondents  
10 have refused to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a), asserting instead  
11 that he is subject to mandatory detention as an “applicant for admission.” Petitioner has resided  
12 in the United States since April 4, 2004.

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

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

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

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

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

8 25. Respondent Jay Kacy is employed by Management and Training Corporation as  
9 Warden of the Imperial Regional Detention Facility where Petitioner is detained. He has  
10 immediate physical custody of Petitioner. He is sued in His official capacity.

11 **CLAIM FOR RELIEF**

12 **Violation of the INA:**

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

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

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

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

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

24 30. 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).

