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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8 OSCAR CHAPETON-MALDINERA,

9 Petitioner,

10 v.

11 Jason Knight, Acting Field Office Director of
Enforcement and Removal Operations, Salt
12 Lake City/Las Vegas Field Office, Immigration
and Customs Enforcement; Kristi NOEM,
13 Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
14 HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
15 FOR IMMIGRATION REVIEW; Christopher
Chestnut, Warden of California City
16 Corrections Center],

17 Respondents.
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Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Oscar Chapeton-Maldinera 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.)

5 2. Petitioner is a native and citizen of El Salvador. He entered the United States on
6 February 19, 2022, as an unaccompanied minor. On March 29, 2024, Petitioner was approved for
7 Deferred Action, Special Immigrant Juvenile Status. A copy of the approval notice is attached
8 hereto at Exhibit A.

9 3. On or about November 16, 2025, the Petitioner was arrested for suspicion of driving
10 under the influence, a misdemeanor offense pursuant to Nevada Revised Statutes 484C.110. The
11 matter has not been adjudicated. Following the arrest, he was taken into immigration custody and
12 transferred to the Southern Nevada Detention Center.

13 4. On December 2, 2025, a bond hearing was held before the Honorable Immigration
14 Judge Lindsay M. Roberts sitting in Las Vegas, Nevada Immigration Court. Judge Roberts denied
15 the bond request based on lack of jurisdiction. In her Order she states that if she had jurisdiction,
16 she would find that Petitioner is not a danger to the community nor a flight risk and would grant
17 bond. A copy of the Order of the Immigration Judge is attached hereto as Exhibit B. For some
18 reason following the hearing, the Petitioner was transferred to the California City Corrections
19 Center in California City, California. As of the filing of this petition, there are no further hearings
20 set on the matter and the Petitioner remains in custody and in limbo. A copy of the EOIR Case
21 Information Sheet dated December 15, 2025, is attached hereto as Exhibit C.

22 5. Petitioner is in physical custody of Respondents at the California City Corrections
23 Center. He now faces unlawful detention because the Department of Homeland Security (DHS)
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1 and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory
2 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

12 7. The declaratory judgment held that the Bond Denial Class members are detained
13 under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under §
14 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

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

19 9. Petitioner Oscar Chapeton Maldinera is a member of the Bond Eligible Class, as
20 he:

- 21 a. does not have lawful status in the United States and is currently
22 detained at the California City Corrections Center. He was
apprehended by immigration authorities on November 17, 2025.
- 23 b. entered the United States without inspection over three years ago
24 and was not apprehended upon arrival, *cf. id.*; and

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

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

11. The Court should expeditiously grant this petition.

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

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

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

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

JURISDICTION

16. Petitioner is in the physical custody of Respondents. Petitioner is detained at the California City Corrections Center, California City, California.

1 23. Petitioner Oscar Chapeton-Maldinera is a citizen of El Salvador who has been in
2 immigration detention since November 17, 2025. After Petitioner was arrested in Las Vegas,
3 Nevada, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On
4 December 2, 2025, Petitioner was denied bond by an IJ at the Las Vegas Immigration Court
5 because he was deemed an “applicant for admission.” Petitioner has resided in the United States
6 since February 19, 2022.

7 24. Respondent Jason Knight is the Acting Director of the Salt Lake City/Las Vegas
8 Field Office of ICE’s Enforcement and Removal Operations division. As such, Jason Knight is
9 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is
10 named in his official capacity.

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

15 26. Respondent Department of Homeland Security (DHS) is the federal agency
16 responsible for implementing and enforcing the INA, including the detention and removal of
17 noncitizens.

18 27. Respondent Pamela Bondi is the Attorney General of the United States. She is
19 responsible for the Department of Justice, of which the Executive Office for Immigration Review
20 and the immigration court system it operates is a component agency. She is sued in her official
21 capacity.

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

29. Respondent Christopher Chestnut is employed by CoreCivic as Warden of the California City Corrections Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

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

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

34. 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).

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

PRAYER FOR RELIEF

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

- 2 a. Assume jurisdiction over this matter;
- 3 b. Issue a writ of habeas corpus requiring that within one day, Respondents release
- 4 Petitioner;
- 5 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
- 6 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
- 7 seven days;
- 8 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 9 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 10 law; and
- 11 e. Grant any other and further relief that this Court deems just and proper.

12 DATED 16th of December, 2025.

13 /s/ Reza Athari, Esq.

14 *Attorneys for Petitioner*

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