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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

EFRIN JOSUE ORALLANA

Petitioner,

v.

MIGUEL VERGARA, Field Office Director of
Enforcement and Removal Operations,
HARLINGEN 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; WARDEN
OF PORT ISABEL SERVICE DETENTION
CENTER

Respondents.

Case No. 1:25-cv-345

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner Efrin Josue Orellana brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Port Isabel Service Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

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

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

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to

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 Efrin Josue Orellana 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 Port
5 Isabel Service Detention Center. He was apprehended by immigration authorities
6 on September 29, 2025.

6 b. entered the United States without inspection over six (6) years ago and was not
7 apprehended upon arrival, *cf. id.*; and

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

8 6. After apprehending Petitioner on September 29, 2025, the DHS placed him in
9 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
10 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without
11 inspection.

12 7. The Court should expeditiously grant this petition.

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

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

21 10. Because Respondents are detaining Petitioner in violation of the declaratory
22 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
23 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 Port Isabel Service Detention Center, 27991 Buena Vista Blvd., Los Fresnos, Texas 78566.

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 Southern District of Texas, the
14 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 Southern District of Texas.

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

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

21 18. Habeas corpus is "perhaps the most important writ known to the constitutional
22 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
23 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the
24 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and

1 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
2 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3 **PARTIES**

4 19. Petitioner Efrin Josue Orellana is a citizen of Honduras who has been in
5 immigration detention since September 29, 2025. After Petitioner was arrested in Corpus Christi,
6 Texas, ICE did not set bond, Petitioner has not yet received a bond hearing before an Immigration
7 Judge. Despite being a member of the Bond Eligible Class certified in *Maldonado Bautista v.*
8 *Santacruz*, Respondents have refused to provide Petitioner with a bond hearing under 8 U.S.C.
9 1226(a), asserting instead that he is subject to mandatory detention as an “applicant for admission.”
10 Petitioner has resided in the United States since August 29, 2019.

11 20. Respondent Miguel Vergara is the Director of the Harlingen Field Office of ICE’s
12 Enforcement and Removal Operations division. As such, Miguel Vergara is Petitioner’s immediate
13 custodian and is responsible for Petitioner’s detention and removal. He is named in his official
14 capacity.

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

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

22 23. Respondent Pamela Bondi is the Attorney General of the United States. She is
23 responsible for the Department of Justice, of which the Executive Office for Immigration Review
24

1 and the immigration court system it operates is a component agency. She is sued in her official
2 capacity.

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

6 25. Respondent WARDEN OF THE PORT ISABEL SERVICE DETENTION
7 CENTER, where Petitioner is detained, has immediate physical custody of Petitioner. HE is sued
8 in HIS official capacity.

9 **CLAIM FOR RELIEF**

10 **Violation of the INA:**

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

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

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

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

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

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

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

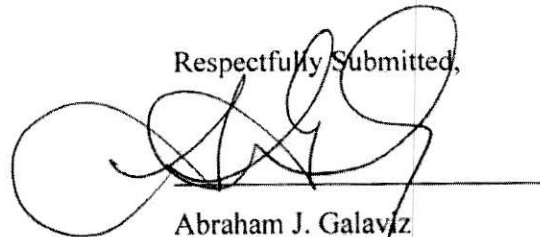
4 **PRAYER FOR RELIEF**

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

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

16 DATED this 18 of December, 2025.

17 Respectfully Submitted,



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23 Fax: (832)572-5150
24 *Attorney for Petitioner*

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
CIVIL No.**

CLAUDIA MARITZA ESCOBAR SALMERON, §
Petitioner §
 §
vs. §
 §
RANDY TATE, in his official capacity as §
Warden of the Montgomery Processing Center; §
 §
Et. al. §
Respondents. §
 §

**PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C§2241**

PROPOSED WRIT OF HABEAS CORPUS

Having considered Petitioner's Petition for Writ of Habeas Corpus, and good cause appearing, IT IS HEREBY ORDERED that:

1. Respondents shall effect the IMMEDIATE RELEASE of Petitioner from ICE/DHS custody;
2. Petitioner shall comply with all reporting requirements set by ICE, as well as ankle monitoring, at the discretion of ICE, while her appeal is pending at the BIA;
3. Respondents, their agents, employees, and successors are RESTRAINED and ENJOINED from removing Petitioner, from the United States;
4. Respondents shall immediately notify all relevant personnel, including but not limited to ICE Enforcement and Removal Operations, that Petitioner shall not be removed from the United States;
5. Security is waived / set at \$ _____;
6. This order may be served by facsimile, email, or other means reasonably calculated to provide immediate notice.

SIGNED this ____ day of _____, 2025.
